By Mr. NORTON of Ohio: Protests of the Engels & Krodwig Wine Company and 9 other business firms of Sandusky, Ohio, against the ratification of the treaty with France—to the Committee on Foreign Affairs.

Also, petitions of A. L. Flack, of Tiffin, Ohio; E. W. Laughlin, of Carey, Ohio; E. R. Tarr, of Crestline, Ohio, and Louis Dueronisch, of Sandusky, Ohio, favoring House bill No. 2944, for an independent telephone plant in the city of Washington and the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions adopted by Cigar Makers' Local Union No. 79, of Sandusky, Ohio, in relation to the reclamation and settlement of public land—to the Committee on the Public Lands.

Also, resolutions of Born & Co., the L. Hoster Brewing Company, and N. Schlee & Son, brewers, of Columbus, Ohio, favoring the passage of House bill No. 4727, amending the revenue law making a quarter barrel of beer the smallest package of beer that can be stamped—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of E. V. Putnam and other employees of the Bureau of Animal Industry, of Milwaukee, for provision to grant them the usual leave of absence with pay—to the Committee on Agriculture.

Also, petition of railway postal clerks in the Fourth Congressional district of Wisconsin, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of Herm Nelsen and other druggists, relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. POWERS: Petition of the Vermont Maple Sugar Makers' Association, asking for the passage of a pure-food law that will prevent the adulteration of sugar—to the Committee on Agriculture.

Also, resolutions of the New York Board of Trade and Transportation, favoring the passage of House bill No. 4909, to create a China-Japan industrial commission—to the Committee on Foreign Affairs.

Also, resolutions of the New England Shoe and Leather Association, favoring free trade with Puerto Rico—to the Committee on Insular Affairs.

By Mr. RIXEY (by request): Paper to accompany House bill granting a pension to Ann S. Harvey—to the Committee on Invalid Pensions.

Also (by request), papers to accompany House bill for the relief of James T. Smith, of Alexandria, Va.—to the Committee on Claims.

Also, letter of Gill & Gill, of Garrisonville, Va., to accompany joint resolution for an appropriation for dredging certain parts of Aquia Creek, Virginia—to the Committee on Rivers and Harbors.

By Mr. ROBERTSON of Louisiana: Petition of Augustine Seizan (Pierre Saizan), for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RUSSELL: Resolutions of the directors of the Connecticut State prison, opposing House bills 19, 5450, and 7519, relating to interstate transportation of prison-made products—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Thames Union, No. 137, of United Brotherhood of Carpenters and Joiners, of Norwich, Conn., opposing grants of public lands to any parties but actual settlers, and favoring irrigation of arid lands—to the Committee on the Public Lands.

Also, resolutions adopted at a meeting of the citizens of New London, Conn., expressing sympathy for the peoples of the South African and Orange Free State Republics—to the Committee on Foreign Affairs.

By Mr. SHERMAN: Petitions of James Sweeney and other citizens of Little Falls, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. STEWART of Wisconsin: Petition of the Wisconsin Branch of the Railway Postal Clerks, favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. WEEKS: Petition of citizens of Port Huron, Mich., in regard to divorce laws in the Territories and the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions of the Merchants and Manufacturers' Exchange of Detroit, Mich., relative to the passage of House bill in aid of the Philadelphia Commercial Museum, Senate bill creating a department of commerce and industries, and Senate bill providing for the improvement of the United States consular service—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Pennsylvania: Petition of the Philadelphia Drug Exchange, indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petition of William Ayres & Sons, of Philadelphia, Pa., favoring the improvement of Trinity River from its mouth to the city of Dallas, Tex.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Association of Knit Goods Manufacturers and Ziegler Brothers, Philadelphia, Pa., urging amendment of the treaty with France—to the Committee on Ways and Means.

SENATE.

TUESDAY, *February 20, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

EXCHANGE OF DENUDED LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 5th instant, a letter from the Commissioner of the General Land Office, relative to the legislation necessary to protect the Government in the exchange of denuded lands in Government reservations for other lands on the public domain, etc.; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

CREDENTIALS.

Mr. PERKINS presented the credentials of Thomas R. Bard, chosen by the legislature of California a Senator from that State for the term beginning March 4, 1899; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 160) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.

The message also announced that the House had passed a bill (H. R. 8620) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States, relative to internal-revenue tax on fermented liquors; in which it requested the concurrence of the Senate.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I ask unanimous consent that after the routine morning business forty minutes be devoted to the consideration of unobjected pension bills on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire, from the Committee on Pensions, asks that after the routine morning business forty minutes may be given to consideration of pension cases on the Calendar. Is there objection? The Chair hears none.

Mr. HALE. I ask that after that, until 2 o'clock, the Calendar may be taken up under Rule VIII.

The PRESIDENT pro tempore. The Senator from Maine asks that after the completion of this order the Calendar may be taken up under Rule VIII until 2 o'clock. Is there objection? The Chair hears none. It is so ordered.

Mr. GALLINGER subsequently said: A moment ago unanimous consent was given that at the conclusion of the routine morning business a certain time should be devoted to the consideration of pension bills. My attention has been called to the fact that the Senator from Delaware [Mr. KENNEY] had given notice that after the routine morning business to-day he would submit some remarks on Senate joint resolution No. 45. I now ask that the unanimous-consent agreement be modified so that the consideration of pension bills will follow the remarks of the Senator from Delaware. I make that request.

The PRESIDENT pro tempore. The Senator from New Hampshire now asks unanimous consent that the unanimous consent previously given be reconsidered, and asks unanimous consent that after the completion of the speech by the Senator from Delaware forty minutes may be given to the consideration of pension cases. Is there objection? The Chair hears none. It is so ordered.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Harlem Board of Commerce, of New York City, praying for the enactment of legislation to provide for the deepening, widening, and opening of the Kills between Harlem River and the Sound; which was referred to the Committee on Commerce.

He also presented a petition of Local Lodge No. 1, Ship Masters' Association, of Buffalo, N. Y., praying for the enactment of legislation relative to the employment period of service, salary, etc., of

men in the Life-Saving Service on the rivers and lakes of the United States; which was referred to the Committee on Commerce.

He also presented memorials of Local Union No. 89, Cigar Makers' International Union, of Schenectady; of Local Union No. 132, Cigar Makers' International Union, of Brooklyn, and of Local Union No. 283, Cigar Makers' International Union, of Geneva, all in the State of New York, remonstrating against the enactment of legislation admitting cigars free of duty from Puerto Rico; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of 36 citizens of Ithaca, Gainesville, Rock Glen, Warsaw, Castile, Perry, and Geneva, all in the State of New York, and a petition of 51 citizens of Port Jefferson, Long Island, praying for the establishment of an Army veterinary corps; which were referred to the Committee on Military Affairs.

He also presented a petition of the Central Trades Labor Assembly of Watertown, N. Y., and a petition of Local Union No. 24, United Brotherhood of Carpenters and Joiners, of Batavia, N. Y., praying that all the remaining public lands of the United States be held for the benefit of the whole people, etc.; which were referred to the Committee on Public Lands.

He also presented petitions of the Trade and Labor Council of Peekskill; of Local Union No. 289, United Brotherhood of Carpenters and Joiners, of Rockport; of Local Union No. 24, United Brotherhood of Carpenters and Joiners, of Batavia, and of Local Union No. 177, Journeyman Barbers' Association, of Lockport, all in the State of New York, praying for the enactment of legislation to limit the hours of daily service of laborers, etc., upon public works of the United States, and also for the protection of free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented the petition of Hatch & Foote, bankers, and 100 other citizens of New York, praying for the enactment of legislation to authorize the Secretary of War to contract with Charles Stoughton and his associates for the construction of the Harlem Kills Canal; which was referred to the Committee on Commerce.

Mr. PENROSE presented a petition of sundry members of the bar of the Supreme Court of the United States, praying that better accommodations be provided for the law library of Congress; which was referred to the Committee on the Library.

Mr. GALLINGER presented a petition of Post No. 7, Department of New Hampshire, Grand Army of the Republic, praying for the enactment of legislation to provide for the detail of active and retired officers of the Army and Navy to assist in military instruction in public schools; which was referred to the Committee on Military Affairs.

Mr. NELSON presented a memorial of the Ramsey County Medical Society, of St. Paul, Minn., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PROCTOR presented the petition of S. C. Saunders and sundry other citizens of Rutland County, Vt., and the petition of A. Davis and sundry other citizens of Washington County, Vt., praying for the enactment of legislation to fix the salaries of fourth-class postmasters; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Vermont Maple Sugar Makers' Association, praying for the passage of a pure-food bill, so as to protect producers and consumers from fraudulent adulteration of food products; which was referred to the Committee on Manufactures.

Mr. DANIEL presented a petition of the Business Men's Association of Hampton, Va., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the board of supervisors of Rockbridge County, Va., praying for the enactment of legislation to provide for the continued free distribution of cattle vaccine matter; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the board of trustees of the Virginia Penitentiary, Richmond, Va., remonstrating against the enactment of legislation requiring convict-made goods to be labeled, stamped, or branded as such, and regulating the transportation of the same; which was referred to the Committee on Education and Labor.

He also presented a petition of the army-nurse committee of the Johns Hopkins Alumnæ Association, of Baltimore, Md., praying for the enactment of legislation to provide for the employment of graduate nurses for the Army; which was referred to the Committee on Military Affairs.

Mr. HOAR presented the petition of Pemberton S. Hutchinson and 19 other citizens of Philadelphia, Pa., praying for the enactment of legislation to assure the inhabitants of the Philippine Islands that it is not the purpose of the United States to subject them to its authority against their will, but only to carry out the provisions of the treaty of peace with Spain pending the establishment of a permanent constitutional government in the islands under the protection of the United States; which was referred to the Committee on the Philippines.

Mr. CULLOM presented a petition of the Dr. Blair Medical Company, of Freeport, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Farmers' Institute, of Champaign County, Ill., praying that an appropriation be made for the extension of rural free mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National League of Commission Merchants, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented the petition of S. M. Blunt and 24 other citizens of Chicago, Ill., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. HAWLEY presented a petition of the Billings & Spencer Company, of Hartford, Conn., and a petition of the Pratt & Whitney Company, of Hartford, Conn., praying that an appropriation be made for the construction of a new Patent Office building, including a hall of inventions; which were referred to the Committee on Public Buildings and Grounds.

EFFICIENCY OF THE ARMY.

Mr. HAWLEY. I present a letter from the Secretary of War, relating to Senate bill No. 3240, being a bill to increase the efficiency of the military establishment of the United States. I move that the letter be printed as a document and referred to the Committee on Military Affairs, to accompany the bill.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 2993) granting an increase of pension to Edward Madden, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 259) granting a pension to Lizzie Breen, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 2451) granting a pension to Jennie P. Stover, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4698) granting an increase of pension to John C. Fitnam, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 4090) granting an increase of pension to Henry H. Brown, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 304) providing for the erection of a public building at the city of Tacoma, in the State of Washington, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 3189) for the relief of Leonard I. Brownson, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3127) granting an increase of pension to Major A. Northrop;

A bill (S. 2881) granting a pension to Mary A. Parker;

A bill (H. R. 4652) granting an increase of pension to Charles Perkins;

A bill (H. R. 3260) granting a pension to Susan M. Button;

A bill (H. R. 232) granting a pension to John Vars; and

A bill (H. R. 2391) granting a pension to Elizabeth R. Holt.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 289) granting a pension to John B. Turchin;

A bill (S. 3004) granting an increase of pension to James H. Stevens;

A bill (S. 474) granting an increase of pension to Isaac Patterson;

A bill (S. 2280) granting a pension to Horatio N. Cornell;

A bill (S. 1608) granting a pension to Eleanor R. Sullivan; and

A bill (S. 2463) granting an increase of pension to Ellen Leddy.

Mr. GALLINGER (for Mr. BAKER), from the Committee on Pensions, to whom was referred the bill (S. 817) granting an increase of pension to Julia A. Taylor, of Pratt, Kans., reported it with amendments, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (H. R. 2597) granting an increase of pension to Charles Kauffung, reported it with an amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 3186) granting a pension to Margaretha Lippert, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Pacific Islands and Puerto Rico, to whom was referred the amendment submitted by him on the 19th instant, intended to be proposed to the bill (S. 2264) to provide a government for the island of Puerto Rico, and for other purposes, reported favorably thereon; and the amendment was ordered to be printed.

NAVAL INTELLIGENCE PUBLICATIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom the subject was referred, to report a joint resolution authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department, and I ask for its immediate consideration.

The joint resolution (S. R. 91) authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and is hereby, authorized to print, in excess of the 1,000 copies authorized by the act of January 12, 1895, such extra copies of the publications of the Office of Naval Intelligence as may be necessary for distribution to the naval service and to meet other official demands: *Provided*, That in no case shall the edition of any one publication exceed 2,000 copies.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT OF PHILIPPINE COMMISSION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. LODGE on the 13th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the United States Commission to the Philippine Islands 1,500 copies of volume 1 of their report recently submitted to the Senate by the President.

REPORT ON THE ISLAND OF LUZON.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Iowa [Mr. GEAR] on the 14th instant, to report it favorably without amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, requested to furnish for the use of the Senate 1,000 copies of the report of Paymaster Willis B. Wilcox, United States Navy, on the island of Luzon.

Mr. GALLINGER. I suggest the substitution of the word "directed" for "requested."

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

DEPARTMENT OF AGRICULTURE YEARBOOK.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 77) authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899, to report it with an amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Printing was, in line 9, before the word "thousand," to strike out "ten" and insert "five;" so as to make the joint resolution read:

Resolved, etc., That there be printed of part 2 of the Annual Report of the Department of Agriculture for 1899, issued in accordance with section 73, paragraph 2, chapter 23, Statutes at Large, 1895, issued under the title of "Yearbook of the United States Department of Agriculture," a special edition of 5,000 copies, on sized and supercalendered paper, to be bound in best quality of book cloth, subject to the approval of the Secretary of Agriculture, for distribution abroad, and especially during the Universal Exposition at Paris, 1900, to agricultural, educational, and other public and scientific foreign institutions and libraries, and to public men especially engaged in work beneficial to agriculture: *Provided*, That in the distribution of this edition abroad, paragraph 79 of said section 73, of chapter 23, volume 28, Statutes at Large, 1895, is hereby suspended.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTIAN CHRITZMAN.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ALLISON on the 9th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to the Sergeant-at-Arms of the Senate, the sum of $549.32; and the said Sergeant-at-Arms is hereby directed to apply said amount to the payment of the funeral expenses and the expenses of the last sickness of Christian Chritzman, deceased, late messenger to the Committee on Appropriations of the Senate, including the sum of $100 loaned to him by C. L. Reynolds to meet expenses of his last sickness, and also to provide a suitable headstone to mark his grave in the cemetery at Harrisburg, Pa., at a cost not to exceed $50; the sum herein provided to be in lieu of the usual allowance on the death of an employee of the Senate, and the voucher for payment of the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

ADDITIONAL CLERK TO COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ALLISON on the 14th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Appropriations have authority to employ an assistant clerk, to be appointed by the chairman, and to be paid at the rate of $1,200 per annum out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 3242) granting an increase of pension to Edwin Mattson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3243) to create a new Federal judicial district in Pennsylvania, to be called the middle district; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3244) to correct the military record of Levi Sheetz; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3245) granting an increase of pension to John C. Lloyd (with an accompanying paper);

A bill (S. 3246) granting an increase of pension to Wesley C. Pryor;

A bill (S. 3247) granting per diem pension service to honorably discharged officers and enlisted men of the Union Army in the civil war; and

A bill (S. 3248) granting an increase of pension to Reid McFadden.

Mr. ROSS introduced a bill (S. 3249) to remove the charge of desertion from the naval record of Charles C. Lee; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GEAR introduced a bill (S. 3250) to protect the fresh-water mussels in the rivers of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Fisheries.

Mr. BATE introduced a bill (S. 3251) for the relief of Mrs. H. B. Clay; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3252) to establish a branch soldiers' home at or near Johnson City, Washington County, Tenn.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 3253) granting a pension to Harriet H. B. Wales; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3254) to amend section 953 of the Revised Statutes of the United States, relating to the signing of a bill of exceptions; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 3255) to increase the pension of Zenith R. Prather; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3256) to increase the pension of James B. Logan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 3257) to legalize and maintain the iron bridge across Pearl River at Rockport, Miss.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3258) for the relief of the estate of James Spiars, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3259) for the relief of the estate of Lemuel R. Hanks, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS introduced a bill (S. 3260) granting an increase of pension to W. H. H. Kennedy; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT of Connecticut submitted an amendment proposing to appropriate $2,220 for salary of clerk to the Committee on Relations with Cuba, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment increasing the number of pressmen in the office of the Treasurer of the United States from four to five and increasing their compensation from $1,200 to $1,400, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to increase the appropriation for the removal of the Indian school now located at Perris, Cal., to a new and more suitable site at or near Riverside, Cal., from $75,000 to $100,000, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PROCTOR submitted an amendment proposing to place under Class V the consulate at Milan, Italy, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. DAVIS submitted an amendment proposing to place under Class V the consulate at Chihuahua, Mexico, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,000 to be expended under the direction of the Secretary of State, to compensate the United State delegate, commissioned by the Secretary of State, to the Seventh International Congress of Navigation, held at Brussels, Belgium, July 28, 1898, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations, and ordered to be printed.

EXTENSION OF COLUMBIA ROAD.

Mr. FOSTER submitted an amendment intended to be proposed by him to the bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

BRUNSWICK (GA.) HARBOR IMPROVEMENT.

Mr. CLAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the report, or a copy thereof, made by H. L. Marinden, the officer of the Coast and Geodetic Survey, detailed by the Secretary of War under the provisions of the river and harbor acts of 1894, 1896, and 1899, to make survey of the outer bar of Brunswick, Ga., filed in the War Department December 4, 1899, together with the report supplemental thereto.

NEW PANAMA CANAL COMPANY OF FRANCE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Interoceanic Canals, and ordered to be printed:

To the Senate:

I transmit herewith in response to the resolution of the Senate of January 23, 1900, copies of the communications received by the President and by the Secretary of State from the New Panama Canal Company of France, or any of its officers or attorneys.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, February 20, 1900.

HOUSE BILL REFERRED.

The bill (H. R. 8620) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States, relative to internal-revenue tax on fermented liquors was read twice by its title, and referred to the Committee on Finance.

POLICY REGARDING THE PHILIPPINE ISLANDS.

Mr. KENNEY. Mr. President, I ask that Senate joint resolution No. 45, known as the Bacon resolution, may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution. Does the Senator from Delaware desire to have it read at length?

Mr. KENNEY. I do not desire to have it read at length.

The SECRETARY. A joint resolution (S. R. 45) declaring the purpose of the United States with reference to the Philippine Islands.

Mr. KENNEY. Mr. President, I am one of those Senators who voted for the ratification of the treaty of Paris, believing that ratification meant the end of the war we had commenced for humanity's sake, and that the $20,000,000 awarded Spain was the act not only of a magnanimous victor, but as well a tribute placed on Liberty's altar by a people who knew the value of freedom. Are there any who know the history of the last two years who will contend that if at the time the vote on the treaty was taken it had been stated on the floor of this Senate that war in the Philippines was to go on and that the millions awarded to Spain was the purchase price for a people to be held in perpetual vassalage that instrument would have been ratified? I do not think there are any such.

I do know, Mr. President, that of the influences which moved members of this Senate to vote for the treaty the most powerful were the desire to end the war and commence the work of liberty and freedom in those far islands. It was believed the intentions of our Government as to the Philippines were not different from those which had been declared as to Cuba, and that the establishment of peace meant an earlier and easier solution of the Philippine problem. To continue the war conditions, fearing unjust treatment by the United States of those who had aided us in the overthrow of the Spanish arms in those islands, seemed unreasonable and without foundation; certainly so in the face of assurances made by those who should have been able to speak on the subject.

I believe, Mr. President, that there are Senators to-day who are supporting the policy outlined by the junior Senator from Indiana, and which we are told is the policy of the Administration, who at the time of the vote on the peace treaty never dreamed that now they would be advocating territorial and foreign policies for this Government which are as strange to its institutions and traditions as they are unjust and iniquitous. But under the lash and spur of party policy and expediency they have wheeled into line and now stand ready, not merely as passive agents, but as active workers, to consummate that which must then have been the hidden purposes of persons who dared not that the light of public discussion should shine on their nefarious schemes.

That which has occurred in the Philippines since the Senate ratified the treaty of peace is as little chargeable to that act of the Senate as it is to those who voted against ratification. The peace with Spain entailed no war with the Filipinos nor change in oue country's foreign policy. The war in Luzon may or may not havr been avoided under a different policy by the Administration. Certain it is there is no article in the treaty declaring war on Aguinaldo and his people, and there can be found therein no authority for the retention of the Philippines as a dependent colony, nor does the Administration's purpose in this regard find warrant in that instrument. The reason for the war with the Filipinos and the imperalistic policy of the Republican Administration must be sought for outside of the treaty of Paris, for in it there will be found authority for neither. Those who are wont to charge all the evils of the present war, and those which may follow, to the ratification of the treaty are indeed "running a hant." The war and its evils are chargeable to other causes which should be too clear not to be seen by those who so much deplore them.

Among these causes, Mr. President, is the greed of those of our countrymen who set self above honor and country; and who for wealth and power will use the miseries and misfortunes of others; who for their own selfish ends are willing to reestablish slavery within the domain of this country and withhold the Constitution from a part of the people. The horrors of war are to them but a means to accomplish their sordid ends. National honor and justice to the Filipino is to them of no concern so long as they are the beneficiaries of dishonor and injustice. It is here, Mr. President, that the evils which have followed the treaty and which are so often charged to it can in part at least be found.

THE ISLANDS ARE TERRITORY OF THE UNITED STATES.

That the islands are territory of the United States and the inhabitants thereof citizens of this Government there can be no doubt. Whether they came to us by conquest of arms or by treaty with Spain, there can be no difference. That title and possession has passed to us is beyond dispute, and with title and possession to us the Constitution has gone to them.

In 1859 Stephen A. Douglas, in an article published in Harpers' New Monthly Magazine, Volume XIX, pages 519–537, entitled "Popular sovereignty in the Territories," says:

Thus it appears that our fathers of the Revolution were contending not for independence, in the first instance, but for the inestimable right of local self-government under the British constitution; the right of every distinct political community—independent colonies, territories, and provinces, as well as sovereign States—to make their own local laws, form their own domestic institutions, and manage their own internal affairs in their own way, subject only to the constitution of Great Britain as a paramount law of the Empire.

Speaking of the "charter compact," he said:

It is important that this Jeffersonian plan of government for the Territories should be carefully considered for many obvious reasons. It was the first

plan of government for the Territories ever adopted in the United States. It was drawn by the author of the Declaration of Independence, and revised and adopted by those who shaped the issues which produced the Revolution and formed the foundations upon which our whole American system of Government rests. It was not intended to be either local or temporary in its character, but was designed to apply to all territory ceded or to be ceded, and to be universal in its application and eternal in its duration wherever and whenever we might have territory requiring a government. It ignored the right of Congress to legislate for the people of the Territories without their consent, and recognized the inalienable right of the people of the Territories when organized into political communities to govern themselves in respect to their local concerns and internal polity.

Let us pause at this point for a moment and inquire whether it be just to those illustrious patriots and sages who formed the Constitution of the United States to assume that they intended to confer upon Congress the unlimited and arbitrary power over the people of the American territories which they had resisted with their blood when claimed by the British Parliament over British colonies in America? Did they confer upon Congress the right to bind the people of the American territories in all cases whatsoever, after having fought the battles of the Revolution against a preamble declaring the right of Parliament to bind the colonies in all cases whatsoever? If, as they contended before the Revolution, it was the birthright of all Englishmen, inalienable when formed into political communities, to exercise exclusive power of legislation in their local legislatures in respect to all things affecting their internal policy, did not the same right after the Revolution, and by virtue of it, become the birthright of all Americans, in like manner inalienable when organized into political communities, no matter by what name, whether colonies, Territories, provinces, or new States?

The principle under our political system is that every distinct political community loyal to the Constitution and the Union is entitled to all the privileges and immunities of self-government in respect to their local concerns and internal polity, subject only to the Constitution of the United States.

In his contention Mr. Douglas is in line with the decisions of the Supreme Court of the United States, which have never been overruled directly or indirectly. In the case of the American Insurance Company *vs.* Canter (1 Peters, page 511) Chief Justice Marshall, in delivering the opinion of the court, said:

CHIEF JUSTICE MARSHALL.

The Constitution confers absolutely on the Government of the Union the power of making war and of making treaties; and that consequently Government possesses the power to acquire territory, either by conquest or by treaty. The usage of the world is, if a nation be not entirely subdued, to consider the land of the conquered territory as mere military occupation until its end shall be determined at the treaty of peace. If it be conceded by treaty, the acquisition is confirmed and the conceded territory becomes a part of the nation to which it is annexed, either by the terms of stipulation in the treaty of cession or under such as its new master shall impose.

And he also said:

The right to govern is the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned.

Later, in the case of Scott *vs.* Sanford (20 Howard, 107), the Supreme Court held to the same opinion and in the following language:

CHIEF JUSTICE TANEY.

This brings us to examine by what provisions of the Constitution the present Federal Government, under its delegated and restricted powers, is authorized to acquire territory outside of the original limits of the United States, and what powers it may exercise therein over the person or property of a citizen of the United States while it remains a territory and until it shall be admitted as one of the States of the Union.

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States.

The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State and not to be held as a colony and governed by Congress with absolute authority, and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States must rest upon the same discretion.

All we mean to say on this point is that as there is no express regulation in the Constitution defining the power which the General Government may exercise over the person or property of a citizen in a Territory thus acquired, the court must necessarily look to the provisions and principles by which its decision must be guided. Taking this rule to guide us, it may be safely assumed that citizens of the United States who emigrate to a Territory belonging to the people of the United States can not be ruled as mere colonists dependent upon the will of the General Government, and to be governed by any laws it may think proper to impose. The Territory being a part of the United States, the government and the citizen both enter under the authority of the Constitution with their respective rights defined and marked out, and the Federal Government can exercise no power over his person or property beyond what that instrument confers, nor lawfully deny any right which it has reserved.

The right to acquire territory is certainly an inherent right of a nation, and to govern it necessarily follows, but its government must be by and under its constitution and laws. In case of the United States, the Constitution applies at the same moment title and possession passes to them, and there is nor can be no part of the domain of the United States an exception wherein a different or limited citizenship exists from that of other portions of the country. There is no such warrant in that instrument.

Both Chief Justice Marshall and Chief Justice Taney agree that territory acquired by the United States becomes a part of the nation and must be governed under the Constitution, and that no power is thereby given to govern or rule as mere dependencies at the pleasure of the Federal Government.

At no time in our history has there been acquired territory by the United States except with an ultimate view of statehood, through, of course, the regular and necessary step first of Territorial probation. Of all the millions of square miles heretofore acquired, to-day there are left out of the federation of States only Alaska, Oklahoma, Arizona, and New Mexico, all of which are looking to ultimate statehood. There can be no excuse for the permanent retention of the Philippines based on the former action of the United States in acquiring Louisiana and the other territory on this continent. No one can successfully contend that the reason for the acquisition of the latter can be urged in support of the former.

FORMER ACQUISITIONS.

In the case of Louisiana much trouble had been experienced for years by the inhabitants of the western regions of the country by reason of the impositions and tribute levied by Spain upon their commerce on the Mississippi River. The vital point was the restriction necessarily consequent upon the navigation of the Mississippi River while the mouth of the river was in possession of any foreign power.

There had been a treaty made between Spain and the United States prior to 1802 which nominally opened the Mississippi to the commerce of the United States; but this was indirectly violated in various stealthy ways and was thereby virtually annulled. No redress seemed possible, and Spain refused to sell her possessions. However, in that year negotiations arose between Spain and France involving the transfer of Louisiana. Pending these negotiations, Mr. Livingston, our minister to France, addressed a letter to the French Government in which he protested against the proposed transfer for reasons which afterwards furnished the chief motive for our purchase.

Nearly seventeen years afterwards Florida was ceded by Spain, thus freeing us from a barrier along the northern coast and the eastern part of the Gulf of Mexico. This was also urged as a paramount necessity.

In 1827 Henry Clay, Secretary of State, offered to purchase Texas from Mexico and give $1,000,000 for the cession. In 1829 Martin Van Buren, Secretary of State, offered to purchase at $5,000,000. Both offers were rejected. Annexation was effected after the Texas war of independence, not by treaty, but by the action of the Congress of each country, and may be said to have been the mutual act of the people. Daniel Webster said in regard to the proposed treaty for Texas:

I have, on the deepest reflection, long ago come to the conclusion that it is of very dangerous and doubtful consequences to enlarge the boundaries of this country or the Territories over which our laws are now established. There must be some limit to the extent of our territory if we would make our institutions permanent.

After the war with Mexico resulting from the annexation of Texas, a portion of the territory of Mexico was demanded by our Government on the ground of indemnity for the past and security of the future. By the treaty signed February 2, 1848, a tract of Mexican territory was annexed. The treaty was bitterly denounced by Daniel Webster and other Senators on the ground that it was equivalent to a robbery enforced by the insolent power of a rapacious conqueror. The price paid for the territory thus taken was $15,000,000, and besides the United States assumed claims of American citizens against Mexico; and, in addition, afterwards paid Texas $10,000,000 for the portion of New Mexico lying east of the Rio Grande. The Gadsden treaty settled disputes with Mexico as to the southern part of Arizona. Thereby the United States secured the disputed territory at the price of $10,000,000, and with it a right of transit for troops, mails, and merchandise over the isthmus of Tehuantepec. The treaty of purchase from Russia was of date March 30, 1867; price paid, $7,200,000. There had been unofficial correspondence concerning it from the year 1859. The treaty was ratified in May, and proclamation made June 30. Mr. Sumner said, in his speech in the Senate April 9, 1867, that it was a visible step in the occupation of the whole North American Continent. "We dismiss one other monarch from the continent. One by one they have retired—first France, then Spain, then France again, and now Russia."

In all former cases the lands acquired were a part of the North American Continent, and by nature intended as a part of one great country. In every case the territory was practically uninhabited, and by climatic and other conditions suited for the uses of the people of the United States. There was no congested population, such as is the case in the Philippines. There was indeed room and reason for expansion in all these former cases. The taking of none of these territories entailed shocking changes in our foreign and territorial policies, nor the burdens of great standing armies. Then we carried civilization into the uninhabited wildernesses, and prepared places for our growing population suited to their needs. Then no free and independent people were driven into mountains and their homes made waste places. No lands nor peoples were taken for other government than under the Constitution—citizenship and equal rights for all.

I hold that the title and possession of the Philippine Archipelago having been perfected in the United States, and no matter whether by treaty or by force of arms, there is left but one of two courses open to this Government as to their disposition. The one is that they be retained as a Territory, with the ultimate and certain

purpose of admission as a State or States into the Union. The other, that they be given to the people of the islands themselves, to be erected into a republic as free as ours, and so under the guidance and protection of the United States.

STATEHOOD IMPOSSIBLE.

That the first course is impossible there can be little doubt when we take into consideration the character of the people and understand the great differences which exist between them and the people of the United States. Imagination can not be invoked so wild as to contemplate an addition to our present statehood of the State of the Philippines.

All the traditions, manners, and customs of the Filipinos, their racial extraction, affiliations, and tendencies, to say nothing of their location, being separated from us by thousands of miles of ocean, have erected a barrier too high and strong to be passed in making them a State of the American Union. Notwithstanding their love for free institutions and their enlightenment, these reasons alone must forever preclude them from membership in the Union of American States. The distinguished senior Senator from Kentucky, in an address before the American Bar Association on August 28 last, said:

We have extended our domain into and across the Pacific, but we have not changed the nature of our Government or the character of our institutions. Ours is still a Union of American States and will so remain to the end. The bond of union by which the States are held together was ordained and established as the "Constitution for the United States of America." Our policy, our traditions, our interests, and our glory alike forbid the admission into the Union of any other than a North American State.

In that statement he fully expressed what I believe are the real sentiments of all true Americans, certainly of all who hold sacred the traditions of our country and love its institutions.

So, Mr. President, we have in honor left us but the latter course, to give the islands back into the hands of their own people, and in doing this we must be satisfied that there is in them and their leader, Aguinaldo, fitness and ability for self-government.

THE FILIPINOS ARE FITTED FOR SELF-GOVERNMENT.

The proofs of this are overwhelming. In August, 1898, Major Bell reported to the Government that the foreign residents at Manila all felt that a native government would be better than Spanish rule.

In that same report he says that he has arrived at the following conclusions as to the principal leaders among General Aguinaldo's following:

Baldomero Aguinaldo, a first cousin of Don Emilio, is secretary of state, and is a swelled dunce and was once a schoolmaster.

Mariano Trias, an educated, honest man, is secretary of treasury. He was vice-president of a former revolution, and of all the insurgent leaders he stands next to Aguinaldo in popularity with the people.

Leandro Y. Barra, a lawyer and good, honest man, is secretary of the interior.

One Estefan de la Rama, a rich and educated man, who speaks English, is commandante de marina, or commander in chief of the navy. He is reported honest and capable.

Aguinaldo's interpreter and secretary is one Escamilla, a good linguist, speaking Latin, French, Spanish, and English—Spanish fluently and English well, to my personal knowledge. He was a teacher of the piano in Hongkong, and is one of the best interpreters I have ever seen.

One Malabini, a student of law and notary public, honest, but not especially talented, is one of his councilors. There is a prominent and wealthy citizen of this city who is also a councilor, but I prefer not to mention his name. He is an avowed annexationist, and sincerely hopes the Americans may remain here.

Don Felipe Agoncillo is a highly respected lawyer, and has for some time been the Filipino agent in Hongkong. I understand it is he who has been designated by Aguinaldo to go to Paris and America to represent the insurgent cause.

C. Sandico, a skilled and well-educated machinist, who speaks English quite well, is a prominent man, and coadjutor of Aguinaldo. His present commission is to appear on behalf of political prisoners before the officer charged with investigating such cases. He has been generally useful to Aguinaldo as a delegate and negotiator with Americans.

Lieut. Gen. Emiliano Riego de Dios, the military governor of Cavite, is said to be an honest man, but with little education.

Major-General Ricati, in command of operations along the southern zone of trenches, appears and is said to be a well-meaning, honest man, with a fair education.

Maj. Gen. Panteleon Garcia, in command of operations along the northern zone, is not educated very well, but is an able, honest, polite, and agreeable man, who has been a schoolmaster of the primary grade.

Brig. Gen. Pio Del Pilar, a vicious, uneducated ignoramus and highway robber.

General Estrella, commanding the military forces in Cavite, has the credit of being an honest man with little education.

Brigadier-General Mascardo, fairly educated and honest, but possesses little ability.

Gen. Gregorio Del Pilar is young, well educated, and honest, but with little experience. He belongs to a wealthy family of Nueva Ecija.

General Noriel, an honest, fairly educated, well-meaning, reasonable, and agreeable fellow, who has done good service and gained the reputation of a good soldier.

Colonel Montenegro, a very conciliatory fellow to meet. Young, small, and well educated. Speaks French, English, and Spanish, the latter fluently; the others very well. He is a considerable of a "talk a heap." Is "kinder" honest and was a clerk in Lalla's hotel, where he received his lessons in honesty.

There are other leaders of lesser grade who it is hardly necessary to mention here. Aguinaldo has many adjutants, most of whom are young, smart, and well educated.

Mr. President, this is what was said of the principal men of the Philippines by an officer of the American Army, and on the whole is testimony most favorable to them. No better would have been said of General Washington and his principal following and associates during the days of our Revolution by General Howe or the others of the British army.

Admiral Dewey, in June, 1898, cabled the Navy Department:

These people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.

And then in August of that year, in response to a telegram asking for his views on the general subject of the Philippines, he referred to his cable message of June and added:

Further intercourse with them has confirmed me in this opinion.

In June, 1898, Consul Williams's opinion of Aguinaldo and the Filipinos was as follows:

U. S. S. BALTIMORE,
CONSULATE OF THE UNITED STATES,
Manila, Philippine Islands, June 16, 1898.

I have the honor to report that since our squadron destroyed the Spanish fleet on May 1 the insurgent forces have been most active and almost uniformly successful in their many encounters with the Crown forces of Spain. Gen. Emilio Aguinaldo, the insurgent chief, who was deported late in 1897, returned recently to Cavite and resumed direction of insurgent forces. He is not permitted by his people to personally lead in battle, but from headquarters governs all military movements. He told me to-day that since his return his forces had captured nearly 5,000 prisoners, nearly 4,000 of whom were Spaniards, and all of whom had rifles when taken.

General Aguinaldo has now about 10,500 rifles and 1 field piece, with 8,000 more rifles, 2 Maxim guns, and a dynamite gun bought in China and now in transit. The insurgents have defeated the Spaniards at all points except at fort near Malate, and hold not only North Luzon to the suburbs of Manila, but Batanges Province also and the bay coast entire, save the city of Manila.

While the Spaniards cruelly and barbarously slaughter Filipinos taken in arms, and often noncombatants, women, and children, the insurgent victors, following American example, spare life, protect the helpless, and nurse, feed, and care for Spaniards taken prisoners and for Spanish wounded as kindly as they care for the wounded fallen from their own ranks.

OSCAR F. WILLIAMS,
United States Consul.

General Whittier testified that—

Their conduct to their Spanish prisoners has been deserving of the praise of all the world. With hatred of priests and Spaniards, fairly held on account of the conditions before narrated, and with every justification to a savage mind of the most brutal revenge, I have heard of no instance of torture, murder, or brutality since we have been in the country.

In an interview in a New York paper he is quoted as saying:

There is a wide ignorance of the wealth of the Philippines and the character of the Filipinos. The natives are not ignorant; they are not savages. They are adept at manufactures and as accountants, mariners, and railroad operatives. They are quiet, most temperate, and have shown great ability in their military affairs.

An Englishman, Mr. Wray, who has lived for seventeen years among the Filipinos, says:

"The people are the most enlightened and vigorous branch of the Malay race, and have been Christians for centuries; in fact, longer than the principles of the Reformation have been established in Great Britain, and are the nearest akin to Europeans of any alien race." Professor Worcester says that they are as industrious as the Japanese, and less criminally disposed. General Whittier stated to the peace commissioners at Paris that he had never seen a drunken Filipino, notwithstanding the example of our soldiers, whom they imitate in everything else, and that in their treatment of their Spanish prisoners they have been "deserving of the praise of all the world;" that with every justification to a savage mind for the most brutal revenge, he had heard of no instance of torture, murder, or brutality since he had been in the country.

A late writer in the Independent, speaking of their intellectual attainments, says that 83 per cent of them can read and write. This seems hardly possible, for, if true, the proportion of literates is almost that of the United States. General Greene told the Paris commissioners that he had been unable to obtain statistics, but that the majority could read and write. When we bear in mind that only 58 per cent of the Italians and only 31 per cent of the Russians can do this, and, according to the census of 1887, only 28½ per cent of the Spaniards, it is apparent that the Filipinos occupy no mean position in this respect. Many of them have attended the high schools and colleges in the islands and the university at Manila, and a considerable number have been educated in Europe. They have attained the first rank among lawyers and physicians at Manila.

Gen. Charles King after serving in the Philippines, in a letter to the Milwaukee Journal, speaks of them in the following terms:

SAN FRANCISCO, *June 22, 1899.*

To the editor of the Journal, Milwaukee, Wis.:

DEAR SIR: Thinking over your telegram and request of June 7, I find myself seriously embarrassed. As an officer of the Army, there are many reasons why I should not give my "views of situation in the Philippines, how long fighting is likely to continue, and thoughts as to America's part in future of islands."

The capability of the Filipinos for self-government can not be doubted. Such men as Arellano, Aguinaldo, and many others whom I might name are highly educated; nine-tenths of the people read and write; all are skilled artisans in one way or another; they are industrious, frugal, temperate, and, given a fair start, could look out for themselves infinitely better than our people imagine. In my opinion, they rank far higher than the Cubans or the uneducated negroes to whom we have given the right of suffrage.

Very truly, yours,

CHARLES KING, *Brigadier-General.*

No better or more conclusive evidence of the patriotism and ability of General Aguinaldo could be had than is furnished by his letter to Mr. Williams. It is dated August 1, 1898. It will be found in Senate Document No. 62, Part I, page 397, and is as follows:

AUGUST 1, 1898.

Mr. WILLIAMS.

DEAR SIR AND DISTINGUISHED FRIEND: Impressed by the note of July 8 past, I can only confess that the people of North America have excited, and now excite, the universal admiration not only for the grade of progress and culture to which they have arrived in a very short time, but also for their political constitution, so admirable and inimitable, and for the generosity, honesty, and industry of the men of the Government who have so far ruled the destinies of that great people without an equal in history.

Above all, I thank you sincerely for the kind words which you express in your note quoted above, and I congratulate you with all sincerity on the acuteness and ingenuity which you have displayed in it in painting in an admirable manner the benefits which, especially for me and my leaders, and, in general, for all my compatriots, would be secured by the union of these islands with the United States of America. Ah! that picture, so happy and so finished, is capable of fascinating not only the dreamy imagination of the impressionable Oriental, but also the cold and calculating thoughts of the sons of the North.

This is not saying that I am not of your opinion. I am fully persuaded that the Filipinos will arrive at the height of happiness and glory if in future they can show with raised heads the rights which to-day are shown by the free citizens of North America. These islands will be in effect one of the richest and pleasantest countries of the globe if the capital and industry of North Americans come to develop the soil.

You say all this and yet more will result from annexing ourselves to your people, and I also believe the same since you are my friend and the friend of the Filipinos and have said it. But why should we say it? Will my people believe it?

I, with true knowledge of the character and habits of these people, do not dare assure you of it, since I have only wished to establish a government in order that none of those powers which you call ambitious should be able to take advantage of our good faith, as has been done in the past by the Spaniards. I have done what they desire, establishing a government in order that nothing important may be done without consulting fully their sovereign will, not only because it was my duty, but also because acting in any other manner they would fail to recognize me as the interpreter of their aspirations and would punish me as a traitor, replacing me by another more careful of his own honor and dignity.

I have said always, and I now repeat, that we recognize the right of the North Americans to our gratitude, for we do not forget for a moment the favors which we have received and are now receiving; but, however great those favors may be, it is not possible for me to remove the distrust of my compatriots.

These say that if the object of the United States is to annex these islands, why not recognize the government established in them in order in that manner to join with it the same as by annexation?

Why do not the American generals operate in conjunction with the Filipino generals and, uniting the forces, render the end more decisive?

Is it intended, indeed, to carry out annexation against the wish of these people, distorting the legal sense of that word? If the revolutionary government is the genuine representative by right and deed of the Filipino people, as we have proved when necessary, why is it wished to oppress instead of gaining their confidence and friendship?

It is useless for me to represent to my compatriots the favors received through Admiral Dewey, for they assert that up to the present the American forces have shown not an active, only a passive cooperation, from which they suppose that the intention of these forces are not for the best. They assert, besides, that it is possible to suppose that I was brought from Hongkong to assure those forces by my presence that the Filipinos would not make common cause with the Spaniards, and that they have delivered to the Filipinos the arms abandoned by the former in the Cavite Arsenal in order to save themselves much labor, fatigue, blood, and treasure that a war with Spain would cost.

But I do not believe these unworthy suspicions. I have full confidence in the generosity and philanthropy which shine in characters of gold in the history of the privileged people of the United States, and for that reason, invoking the friendship which you profess for me and the love which you have for my people, I pray you earnestly, as also the distinguished generals who represent your country in these islands, that you entreat the Government at Washington to recognize the revolutionary government of the Filipinos, and I, for my part, will labor with all my power with my people that the United States shall not repent their sentiments of humanity in coming to the aid of an oppressed people.

Say to the Government at Washington that the Filipino people abominate savagery; that in the midst of their past misfortunes they have learned to love liberty, order, justice, and civil life, and that they are not able to lay aside their own wishes when their future lot and history are under discussion. Say also that I and my leaders know what we owe to our unfortunate country; that we know how to admire and are ready to imitate the disinterestedness, the abnegation, and the patriotism of the grand men of America, among whom stands preeminent the immortal General Washington.

You and I both love the Filipinos; both see their progress, their prosperity, and their greatness. For this we should avoid any conflict which would be fatal to the interests of both peoples, who should always be brothers. In this you will acquire a name in the history of humanity and an ineradicable affection in the hearts of the Filipino people. (From General Aguinaldo to Mr. Williams, United States consul.)

RETENTION NOT WARRANTED.

If from any point of view it should be contended that the Philippines should be held for the present as a colony no matter what may be the ultimate disposition of them, is it not a self-evident fact that such retention would entail on this nation a task far greater than any possible benefits could justify? Assuming, for the sake of the argument, that this Government will hold the islands as dependent colonies and govern them by such means as the Congress and the President shall elect, would not the sacrifices which must be made by the United States be too great to warrant the attempt? Certainly so, if we are to judge the future by the past. The retention of the Philippines up to this time has cost the United States many millions of dollars and the lives of thousands of our soldiers, to say nothing of the thousands of them who, by reason of their services in the Tropics, have been made invalids for life. And worse than death itself, hundreds have lost their reason and are to-day inmates of the abodes of the mad. Only the other day the Post of this city published the following:

ABOUT 450 OF OTIS'S MEN HAVE LOST THEIR REASON.

SAN FRANCISCO, CAL., *February 13, 1900.*

Eleven insane soldiers were to-day sent from this city to the Government hospital at Washington, D. C., and it is probable that about thirty more will go East during the week. During the last three months nearly 250 demented soldiers have been sent across the continent, and it is said that over 200 more will soon arrive here from Manila. In nearly all cases the men are violently insane.

Now, Mr. President, in the face of these facts, who is there that will insist that these islands shall be retained on any grounds or for any reasons? Are not the burdens of our people heavy enough, and has not our experience in this matter already drawn enough of blood and tears from the American people? I think so, and for one I am ready that the end shall come and at once. To retain them as American territory on any conditions means a continuation of these sacrifices and increase of our burdens. There can never be had from them compensation equal to their cost. Already the people of Germany are learning what their colonial policy is costing in life and treasure. Germany went to East Africa as it is proposed we shall remain in the Philippines, the ruler of a dependent people, and all for the sake of extending commerce. In one of her districts alone during 1899 the population has diminished from over 100,000 to less than 70,000. Following in the wake of her commerce has gone to her colonies famine, sickness, and death. The cost of governing her dependencies is many times greater than all the trade benefits she derives from them. What has been the experience of Germany will be ours if we go into the business of extending our commerce through the method of dependencies. No people worth being Americans will submit to vassalage.

ROME FOUND HER END IN IMPERIALISM.

Mr. President, does not this cry for conquest take us back through the centuries until we find ourselves in that time of the Roman Republic, when by the ambition and greed of some of her sons was begun her conquest of the world—the beginning of her end? In that history can we not see ourselves and read our future? New territories were conquered and their people enslaved. Military governors were sent to rule over them. Strange laws were enacted for their government and alien judges sent to administer them. The religion and manners of the conquerors were enforced; in a word, all the miseries which follow in the train of the conqueror and oppressor came to the peoples to whom Rome brought the blessings of her civilization. Rome then thought herself trusted of the gods for the civilizing of mankind throughout the world, but soon was taught her mistake. In her struggle to destroy the liberties of others she lost her own. Man's unalienable rights—life, liberty, and the pursuit of happiness—then, as many times since, asserted itself and the conquered became the conquerors, the slave the master. And Rome, the mistress of the world, repudiated and despised, passed—a page in history. In imperialism she found her end.

There are those who would treat this question by no ordinary rules. They find new definitions and meanings for our laws. They produce strange rules for the interpretation of our Constitution. They find virtue in absolutism and see freedom where once slavery was. For commerce's sake they would obliterate the Declaration of Independence. For the imagined riches of the East, honor and justice are to be set aside. The cost and sacrifices to secure the prize are not to be counted—only the glitter of the gem is the moment's concern.

Let our dealings with these people be in justice, not only to them, but to ourselves. If there be doubt as to our agreement with them touching their independence, let them have the benefit of that doubt. The distinguished senior Senator from Massachusetts has described us as—

> The American people, the brave and just people, who made the immortal Declaration and who maintained it with life and fortune and sacred honor, who established our wonderful Constitution, to whose Monroe doctrine is due the freedom of the American continent from the Rio Grande to Cape Horn, have not changed their character or their principles in the twinkling of an eye under the temptation of any base motive or personal advantage or under the excitement of war. They are subject, doubtless, as all masses of men are subject, however intelligent or however upright, to great waves of passion.
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> But their sober second thought is to be trusted. Their deliberate action will be wise and just. The great passions by which they are stirred and by which their judgment is now clouded are generous, noble, and humane. Reason will resume its rightful sway and the great Republic will remain a Republic still.

Therefore let us so demean ourselves that that which he has said of us shall be true.

Mr. President, the American people are too great and free to be unjust. They are too rich and strong to be mean. Justice alone should govern us in our action with the Philippines, so that in the years to come no blush of shame shall be ours. We should now and at once say to those brave men of the Pacific, "Our war with you is not for conquest, but that peace in the islands may be restored; and so soon as peace does come, American duty and honor will be the American policy and the freedom and independence of the Philippine Islands guaranteed, if need be, for all time by American arms." Let it not be said of the American people that they who first wrested freedom from a crown and proved to the world that a people could govern themselves, in the zenith of their greatness, flushed with victory, forgot what liberty meant and the cost at which it was obtained and acted the part of a king.

Mr. DEPEW. Mr. President, I desire to give notice that upon this resolution and similar ones in regard to the Philippines I wish to submit a few remarks on Tuesday, the 27th instant.

Mr. ALLISON. Mr. President, the Senator from Massachusetts [Mr. LODGE] gave notice a few days ago that on Wednesday (tomorrow) he desired to speak on the various measures relating to the Philippine Islands, but he has been suddenly called away and

will not be able to be present to-morrow. I therefore ask leave to state that he will defer making the speech until some other time, of which he will give notice.

CONSIDERATION OF PENSION BILLS.

The PRESIDENT pro tempore. The Secretary will state the first pension bill on the Calendar.

Mr. NELSON. I do not see the Senator from New Hampshire [Mr. GALLINGER] in his seat, but he agreed to yield to me to ask consent to call up at this time Order of Business No. 408, being the bill (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899.

Mr. COCKRELL. Let us go to the Calendar under the unanimous-consent agreement.

The PRESIDENT pro tempore. Objection is made, and the Secretary will state the first pension bill on the Calendar.

ROBERT BLACK.

The bill (S. 62) granting a pension to Robert Black was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Eighth," to insert "Regiment of;" and in line 7, before the word "Heavy," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Black, late a private in Company C of the Eighth Regiment of New York Volunteer Heavy Artillery, and pay him a pension of $24 per month in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Robert Black."

HENRY FRANK.

The bill (S. 1769) granting an increase of pension to Henry Frank was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Thirty-ninth," to insert "Regiment of;" in the same line, after the word "Illinois," to strike out "Volunteers" and insert "Volunteer Infantry;" and in line 8, after the word "month," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Henry Frank, late of Company G, Thirty-ninth Regiment of Illinois Volunteer Infantry, and pay him a pension of $15 per month in lieu of the pension he is now receiving.

The amendments were agreed to.

Mr. GALLINGER. I move to further amend in line 8, after the word "pension," by inserting "at the rate of;" so as to read, "and pay him a pension at the rate of $15 per month," etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

B. H. RANDALL.

The bill (S. 667) granting a pension to B. H. Randall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of B. H. Randall, late sutler at Fort Ridgely, Minn., during the Sioux Indian outbreak, and pay him a pension at the rate of $12 per month.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. ALLEN January 30, 1900, as follows:

The Committee on Pensions, to whom was referred the bill (S. 667) granting a pension to B. H. Randall, have examined the same and report:

A similar bill was introduced in the Senate during the Fifty-fifth Congress, favorably reported by this committee, and passed the Senate.

The report was as follows:

"During the Sioux outbreak in 1862 claimant was a sutler at Fort Ridgely, a military post in Minnesota. This post was attacked by the Indians, and being but inadequately garrisoned, claimant, in company with some twenty other private citizens, was mustered into service, and was put in command of the company thus formed. During the siege claimant rendered good service, and was ordered by the lieutenant commanding to see that the entire roof of the commissary building was covered with earth and sand, in order to prevent its being fired. During the completion of this work claimant suffered a hernia. In addition to the hernia, in consequence of the arduous and unceasing work to which he was subjected, claimant contracted a serious illness, a fever, which has enfeebled him, and from the effects of which he has never recovered.

"The facts in the case are shown by medical and other affidavits.

"There is no general law under which the claimant can apply for pension.

"The bill is reported back with the recommendation that it pass."

Your committee adopt the foregoing report and recommend the passage of the bill with the following amendment:

Strike out all after the enacting clause and substitute therefor the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of B. H. Randall, late sutler at Fort Ridgely, Minn., during the Sioux Indian outbreak, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID HUNTER.

The bill (S. 645) granting a pension to David Hunter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "lieutenant," to strike out "and adjutant of the" and insert "and adjutant;" in line 7, before the word "Wisconsin," to strike out "of;" and in line 9, before the word "he," to strike out "the rate" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Hunter, late first lieutenant and adjutant Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to David Hunter."

JERUSHA W. STURGIS.

The bill (S. 677) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Sturgis," to insert the initial "W.;" and in the same line, after the word "of" where it occurs the second time, to strike out "Brig. Gen. Samuel Davis Sturgis, and pay her a pension of $100 per month from and after the passage of this act" and insert "Samuel D. Sturgis, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerusha W. Sturgis, widow of Samuel D. Sturgis, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jerusha W. Sturgis."

ANNIE A. GIBSON.

The bill (S. 2742) restoring to the pension roll the name of Annie A. Gibson was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Annie A. Gibson, widow of James Walters, of Company E, Thirty-eighth Regiment Massachusetts Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. EUDORA S. KELLY.

The bill (S. 2220) granting an increase of pension to Mrs. E. S. Kelly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eudora S. Kelly, widow of James R. Kelly, late captain, Third Artillery, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Eudora S. Kelly."

ANNIE B. GOODRICH.

The bill (S. 1419) to increase the pension of Annie B. Goodrich was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie B. Goodrich, widow of Amos B. Goodrich, late second lieutenant of Company A, Twentieth Massachusetts Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Annie B. Goodrich."

THOMAS JORDAN.

The bill (S. 1228) granting a pension to Thomas Jordan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Sixty-third," to insert "Regiment," and in line 7, after the word "him," to strike out "dollars a month" and insert "a pension at the rate of $30 per month in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Jordan, late of Company G, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the sate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas Jordan."

RHODA A. FOSTER.

The bill (S. 239) granting a pension to Rhoda A. Foster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Massachusetts," to strike out "Volunteers, in the war of the rebellion, and pay her a pension of — dollars a month," and insert "Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Rhoda A. Foster, widow of Albert H. Foster, late captain of Company D, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Rhoda A. Foster."

PATRICK LAYHEE.

The bill (S. 241) granting a pension to Patrick Layhee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations of the pension laws, the name of Patrick Layhee, invalid and dependent son of William Layhee, late of Company G, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month.

Mr. GALLINGER. I move to amend the amendment in line 10, before the word "limitations," by inserting "provisions and," so as to read "subject to the provisions and limitations of the pension laws," etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Patrick Layhee."

FLAVEL H. VAN EATON.

The bill (S. 2008) granting a pension to Flavel H. Van Eaton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Flavel H. Van Eaton, of Olympia, Wash., and that he be granted a pension of $30 per month in lieu of $12 per month now granted him.

The amendment was agreed to.

Mr. GALLINGER. I move to further amend, in line 6, after the name "Van Eaton," by striking out "of Olympia, Wash., and that he be granted" and inserting "and to pay him;" in line 7, after the word "pension," by inserting "at the rate of," and in line 8, after the word "month," by striking out the words "now granted him" and inserting "that he is now receiving."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA DE PEYSTER BLACK.

The bill (S. 209) granting an increase of pension to Cornelia De Peyster Black was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "colonel," to strike out "in the;" and in the same line, after the word "and," to strike out "to pay the said Cornelia De Peyster Black a pension of $60 per month in lieu of the pension she is now receiving" and insert "pay her a pension at the rate of $50 per month in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia De Peyster Black, widow of Henry M. Black, late colonel, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPHINE I. OFFLEY.

The bill (S. 208) granting a pension to Josephine I. Offley, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 7, after the word "Infantry," to insert "and pay her a pension;" in line 8, before the word "dollars," to strike out "sixty" and insert "fifty;" in line 9, before the word "which," to strike out "the pension to," and insert "that;" and in the same line, after the word "now," to strike out "entitled by law" and insert "receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine I. Offley, widow of Robert H. Offley, late colonel of the Tenth United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that which she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Josephine I. Offley."

CONSOLACION VICTORIA KIRKLAND.

The bill (S. 1919) granting a pension to Consolacion Victoria Kirkland, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Consolacion Victoria Kirkland, widow of William A. Kirkland, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Consolacion Victoria Kirkland."

ELI J. MARCH.

The bill (S. 1960) granting an increase of pension to Eli J. March was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Wisconsin," to insert "Volunteer;" in line 7, after the word "Cavalry," to strike out "Volunteers;" in the same line, after the word "pension," to

insert "at the rate;" and in line 8, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli J. March, late of Company I, Third Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HERMAN PIEL.

The bill (S. 1309) granting an increase of pension to Herman Piel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "he," to insert "is;" in the same line, after the word "hereby," to strike out "is;" in line 6, after the word "late," to strike out "a private in" and insert "of;" in line 7, before the word "Cavalry," to insert "Volunteer;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herman Piel, late of Company B, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. OSCAR TAYLOR.

The bill (S. 1298) granting a pension to Capt. Oscar Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Minnesota," to insert "Volunteer," and in the same line, after the word "Cavalry," to strike out "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar Taylor, late captain Company D, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Oscar Taylor."

CASPER MILLER, JR.

The bill (S. 994) granting an increase of pension to Casper Miller, jr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Regiment," to strike out "of;" in the same line, after the word "Pennsylvania," to strike out "Volunteers" and insert "Volunteer Infantry, and pay him a pension;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Casper Miller, jr., late first lieutenant Company E, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK HIGGINS.

The bill (S. 2209) granting an increase of pension to Frederick Higgins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Higgins, late of Company G, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $25 a month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. After the word "dollar," in line 8, let the article "a" be stricken out and the word "per" substituted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN C. ABBOTT.

The bill (S. 1331) granting an increase of pension to Ellen C. Abbott, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen C. Abbott, widow of Joseph C. Abbott, late colonel of the Seventh Regiment New Hampshire Volunteer Infantry and brevet brigadier-general, United States Volunteers, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. RUSSELL.

The bill (S. 2375) granting a pension to Mary A. Rnssell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Russell, helpless and dependent daughter of Herbert C. Russell, of Company C, Sixty-eighth Regiment of Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. BOURNE.

The bill (S. 819) granting an increase of pension to Benjamin F. Bourne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Indiana," to insert "Regiment;" in the same line, after the word "Indiana," to strike out "Volunteers" and insert "Volunteer Infantry;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Bourne, late of Company F, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY ATKINSON.

The bill (S. 833) granting an increase of pension to Henry Atkinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-five;" and in line 9, before the word "be," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Atkinson, late of Company G, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANNA M. DEITZLER.

The bill (S. 820) granting an increase of pension to Mrs. Anna M. Deitzler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Anna," to strike out "Mrs.;" in the same line, before the word "widow," to strike out "of Berkeley, Cal.;" in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" and in line 9, before the word "she," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Deitzler, widow of George W. Deitzler, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Anna M. Deitzler."

MARIA A. THOMPSON.

The bill (S. 2622) granting a pension to Maria A. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments, in line 6, before the name "Charles," to strike out "Doctor;" in line 7, before the word "surgeon," to insert "assistant;" in the same line, after the word "and," to insert "surgeon;" and in line 9, before the word "dollars," to insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria A. Thompson, widow of Charles A. Thompson, assistant surgeon, Thirteenth, and surgeon, Ninetieth Regiments Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE L. NIXON.

The bill (S. 345) granting a pension to Catherine L. Nixon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine L. Nixon, widow of Andrew Nixon, late of Company A, Oregon Mounted Volunteers, Indian war of 1855 and 1856, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HATTIE E. REDFIELD.

The bill (S. 1250) granting a pension to Mrs. Hattie E. Redfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out the article "a;" in line 7, before the word "company," to strike out "in;" in line 8, before the word "Wisconsin," to insert "Regiment;" in the same line, before the word "Infantry," to insert "Volunteer;" and in line 9, before the word "of," to insert "at the rate;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hattie E. Redfield, widow of Charles E. Redfield, late second lieutenant Company A, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Hattie E. Redfield."

CELIA A. JEFFERS.

The bill (S. 1251) increasing the pension of Celia A. Jeffers to the sum of $30 per month was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Celia A. Jeffers, widow of Aaron Jeffers, late of Company F, Nineteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Celia A. Jeffers."

CATHERINE E. O'BRIEN.

The bill (S. 1254) granting a pension to Catherine E. O'Brien was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine E. O'Brien, widow of George M. O'Brien, late major, Seventh Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. SIMERAL.

The bill (S. 1255) granting an increase of pension to James M. Simeral was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of;" in line 7, before the word "Iowa," to insert "Regiment;" in the same line, before the word "Cavalry," to insert "Volunteer;" in line 8, before the word "of," where it occurs the first time, to insert "at the rate;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Simeral, late first lieutenant Company L, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN C. PLANTZ.

The bill (S. 2167) granting an increase of pension to Franklin C. Plantz was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin C. Plantz, late corporal, Company C, Fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH W. SKELTON.

The bill (S. 2351) granting a pension to Joseph W. Skelton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Skelton, late first lieutenant, Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph W. Skelton."

ALICE V. COOK.

The bill (S. 2344) granting a pension to Alice V. Cook was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice V. Cook, invalid and dependent daughter of John Y. Cook, late of Company D, Eighth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. RITZMAN.

The bill (S. 1194) granting a pension to John B. Ritzman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Ritzman," to strike out "of Burlington, Iowa;" in line 7, after the word "Iowa," to strike out "Cavalry Volunteers" and insert "Volunteer Cavalry;" and in line 9, before the word "he," to strike out "which;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Ritzman, late of Company F, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John B. Ritzman."

SARAH E. STUBBS.

The bill (S. 1202) granting a pension to Sarah E. Stubbs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Stubbs," to strike out "of Hedrick, Iowa;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Stubbs, widow of Martin D. Stubbs, late of Company G, Eleventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sarah E. Stubbs."

AMOS H. GOODNOW.

The bill (S. 1721) granting an increase of pension to Amos H. Goodnow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "private" and insert "of;" in line 7, after the word "Iowa," to insert "Volunteer;" and in the same line, after the word "Infantry," to strike out "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos H. Goodnow, late of Company C, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER J. LYON.

The bill (S. 1729) granting an increase of pension to Oliver J. Lyon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Iowa," to insert "Regiment;" in line 8, before the word "Iowa," to insert "Regiment;" and in line 10, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver J. Lyon, late of Company K, Twenty-fifth Regiment Iowa Volunteer Infantry, also of Company G, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLEN BUCKNER.

The bill (S. 320) granting an increase of pension to Allen Buckner, of Baldwin, Kans., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Allen Buckner, late colonel Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Allen Buckner."

JAMES A. SOUTHARD.

The bill (S. 1264) granting a pension to James A. Southard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "Infantry," to strike out "at the rate of $24 per month, the same to be in lieu of the pension he is now receiving under the act of June 27, 1890," and insert "and pay him a pension at the rate of $24 per month in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Southard, late of Company K, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and Company K, One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James A. Southard."

ELENDER HERRING.

The bill (S. 1265) granting a pension to Elender Herring, of Elsmore, Kans., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elender Herring, mother of George W. Herring, late of Company I, Sixty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. GALLINGER. In line 1, page 2, I move that the word "dependent" be inserted before the word "mother;" so as to read "dependent mother."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Elender Herring."

JACOB SALADIN.

The bill (S. 1266) granting a pension to Jacob Saladin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "First," to insert "Battalion;" in line 7, after the word "Missouri," to strike out "Battalion," and in the same line, after the word "and," to strike out "rate him at $12 per month" and insert "pay him a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Saladin, late of Company E, First Battalion Gasconade Missouri Home Guards, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH R. BURRELL.

The bill (S. 1268) granting a pension to Sarah R. Burrell, of Wichita, Kans., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah R. Burrell, widow of Andrew J. Burrell, late captain Company A, Fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Sarah R. Burrell."

FELIX G. SITTON.

The bill (S. 2441) granting a pension to Felix G. Sitton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Felix G. Sitton, late of Company H, First Regiment Doniphan's Missouri Mounted Volunteer Infantry, in war with Mexico, and to pay him a pension of $12 per month.

Mr. GALLINGER. Let "the" be inserted in line 7 before the word "war," so as to read "in the war."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. THOMAS.

Mr. GALLINGER. I ask unanimous consent that the remaining few minutes be given to Senators to call up bills in which they are interested. The Senator from South Carolina [Mr. TILLMAN] is especially interested in one bill. I ask unanimous consent to that effect, and I hope no Senator will object.

Mr. TILLMAN. I am much obliged to the Senator from New Hampshire. I ask unanimous consent that the bill (S. 2432) granting an increase of pension to James A. Thomas may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments. The first amendment was, in line 6, after the word "Company," to fill the blank by inserting the letter "B;" so as to read "Company B."

The amendment was agreed to.

The next amendment was, in line 8, before the word "dollars," to strike out "forty-five" and insert "thirty-six."

Mr. GALLINGER. I hope the amendment will be nonconcurred in and that the amount as originally proposed will be allowed to stand.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIA M. EDIE.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 3017) granting an increase of pension to Julia M. Edie.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia M. Edie, widow of John R. Edie, late captain, Ordnance Department, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY M'MILLEN.

Mr. GALLINGER. I ask unanimous consent to call up at this time the bill (S. 3129) granting an increase of pension to Henry McMillen.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Henry McMillen, late of Company I, Third Regiment Vermont Volunteer Infantry, and to pay him a pension of $72 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I think the time allotted to the committee has expired.

RAILROAD BRIDGES IN LOUISIANA.

Mr. CAFFERY. I ask unanimous consent to call up House bill 4473 and also House bill 5487, bills providing for bridges across rivers in my State.

Mr. McBRIDE. I desire to state that there was a unanimous-consent agreement that after the expiration of the forty minutes allotted for the consideration of pension bills the unobjected Senate bills on the Calendar should be taken up; and after the bills of the Senator from Louisiana have been disposed of, I shall ask that that agreement be carried out.

The PRESIDENT pro tempore. There was such an agreement. The Secretary will read the first bill called up by the Senator from Louisiana.

The SECRETARY. A bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in line 7, page 1, after the word "through," to strike out "their" and insert "its;" so as to read:

That the Natchitoches Railway and Construction Company, a corporation duly incorporated and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain, by itself or through its assignees, a railway and traffic bridge across Red River at a point suitable to the interest of navigation, at Grand Ecore, parish of Natchitoches, State of Louisiana.

The amendment was agreed to.

The next amendment was, in line 1, page 3, after the word "displayed," to strike out the words "on said bridge;" so as to read:

And if said bridge be constructed as a drawbridge, the draw shall be opened promptly upon reasonable signal for the passage of boats; and upon whatever kind of bridge is built there shall be displayed, from sunset to sunrise, at the expense of said company, such lights and signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CAFFERY. I ask the Senate now to proceed to the consideration of the bill (H. R. 5487) authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-mile Bayou, near Shreveport, La.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER COMMISSION.

Mr. VEST. I ask the Senate to consider the bill (S. 419) amending the act providing for the appointment of a Mississippi River Commission, and so forth, approved June 28, 1879.

Mr. WARREN. I do not want to be discourteous, but I hope there can be a time when we can take up the Calendar. I have not yet asked for the consideration of a single bill because we have been upon the Calendar, and I have some matters at the head that have been passed over, I think, eight times.

Mr. VEST. We could do very little with the Calendar now in five minutes. We have been on the Calendar all morning.

Mr. WARREN. I do not wish to object and I shall not object to the Senator's bill, but I want to observe that I shall have to interpose an objection hereafter.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of the bill (S. 419) amending the act providing for the appointment of a Mississippi River Commission, and so forth, approved June 28, 1879.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend the act by adding thereto the following section:

SEC. 8. That the headquarters and general offices of said commission shall be located at some city or town on the Mississippi River, to be designated by the Secretary of War, and the meetings of the commission shall be held at said headquarters and general offices, the times of said meetings to be fixed by the president of the commission, who shall cause due notice of such meetings to be given members of the commission and the public.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WYOMING STATE SOLDIERS AND SAILORS' HOME.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Under the unanimous agreement the Calendar will be taken up now.

The bill (S. 200) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home was announced as first in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to grant 50,000 acres of the unappropriated nonmineral public lands within the State of Wyoming unto the State, to be selected by the proper authorities thereof, to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home. But such portion of the granted lands as may not be found necessary for the purpose specified shall be applied to the support of such public, benevolent, reformatory, or other educational institution as the legislature of the State may designate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL subsequently said: I ask that the report which accompanied the bill (S. 200) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home may be printed in the RECORD in connection with the passage of the bill this morning. I intended to make that request at the time, but my attention was diverted for a moment.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). That order will be made, in the absence of objection.

The report, submitted by Mr. NELSON January 22, 1900, is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 200) granting to the State of Wyoming 50,000 acres of land to aid in continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home, having considered the same, beg to report it back with the recommendation that it do pass.

That such an institution deserves support must be admitted. No National Soldiers' Home is situated anywhere near the Wyoming State Home. A thousand miles or more of expensive, fatiguing travel must be taken by a Wyoming veteran to reach the nearest regular Government Home. The altitude of Wyoming at the points most thickly settled is from 6,000 to 8,500 feet, and to change the old and feeble from the high, dry climate to a lower and more humid one is usually injurious.

The men who are becoming inmates of the Wyoming Home are those who spent their best years in other parts of the United States. They not only offered their lives in defense of the country's flag, but for many years after the war they were busy with the upbuilding of other Commonwealths. Wyoming being a new State, and that locality containing no white man's settlement for many years after the war, she necessarily received these veterans in the declining years of their lives. Nevertheless, that State, with

commendable benevolence, has established a home and appropriates every year for its maintenance. It is true the Government pays the regulation sum ($100 per capita per annum), but in that sparsely settled country, higher cost of living, and a not large number of regular inmates, the expense bears too heavily on that young State, where the United States Government owns in public lands, Indian and military reservations, over fifty-seven and one-half million acres out of a total sixty-two and one-half million acres of the State's surface, and therefore on the over 87½ per cent of all its land no tax can be collected because of Government ownership.

Wyoming has received no donations of swamp lands, as have many of the older States, and her total acreage under the act of admission was much less than one-half of what Congress granted to the State next admitted in the Union at a later date, though the State later admitted had but about four-fifths of Wyoming's area.

The whole of Wyoming is within the arid belt, and the lands can not be productive without irrigation. The nonmineral and nonforest lands are worthless without irrigation excepting for grazing, and the sparse, thin grass requires a great many acres to support each single head of live stock. Therefore the land is worth virtually nothing, or but a few cents an acre, until its reclamation. The value to the United States of this grant of land is almost nil, and would be so to the State except as it is improved and utilized. The State, in selecting these lands for grazing near to the ranches of homesteaders and in selecting pieces worthless in themselves, but which in connecting up with the other lands settled upon and to be settled upon, will render irrigation and reclamation possible, and therefore be ultimately of value to the State and bring a considerable income to the Soldiers' Home.

On the other hand, the Government secures through the selection of these lands, not exceeding a section in a place, and their occupancy by lessors, the improvement of the Government's remaining lands, not only through the general development and settlement of the country but by bringing them near to irrigating ditches which have been or may be constructed and from which water can be procured for a portion of the lands.

In this way the proposed grant, while slightly lessening the 87½ per cent of the United States ownership in Wyoming and increasing slightly the 12½ per cent owned by the State and the settlers, will really add to the value of the Government's holdings. The State, while receiving but little income from rental at first, may increase that income later, and thus in some degree will provision be made for the increasing expenses for care and maintenance of aged soldiers and sailors.

Wyoming, in its constitution, which Congress incorporated in the law admitting the State, provides fully for the protection of these lands, and so do the laws later enacted. A full land board was provided for and every necessary restriction seems to have been made.

The article on public lands and donations reads as follows:

"The State of Wyoming hereby agrees to accept the grants of lands heretofore made or that may be hereafter made by the United States to the State for educational purposes, for public buildings and institutions, and for other objects, and donations of money, with the conditions and limitations that may be imposed by the act or acts of Congress making such grants or donations. Such lands shall be disposed of only at public auction to the highest responsible bidder, after having been duly appraised by the land commissioners, at not less than three-fourths of the appraised value thereof, and for not less than $10 per acre: *Provided*, That in case of actual and bona fide settlement and improvement thereon at the time of the adoption of this constitution such actual settler shall have the preference right to purchase the land whereon he may have settled, not exceeding 160 acres, at a sum not less than the appraised value thereof, and in making such appraisement the value of improvements shall not be taken into consideration. If at any time hereafter the United States shall grant any arid lands in the State to the State on the condition that the State reclaim and dispose of them to actual settlers, the legislature shall be authorized to accept such arid lands on such conditions, or other conditions, if the same are practicable and reasonable.

"The proceeds from the sale and rental of all lands and other property donated, granted, or received, or that may hereafter be donated, granted, or received from the United States, or any other source, shall be inviolably appropriated and applied to the specific purposes specified in the original grant or gifts."

Other sections follow equally protective on the one hand and preventive on the other. The laws of Wyoming seem to cover every contingency, the intent being made plain that State lands shall be selected only for the beneficiary named in the act making the donation.

As donated lands, with rare exceptions, never reach the value of $10 per acre, they are not sold, but remain the property of the State and are leased under carefully guarded rules and regulations.

Of the many provisions of Wyoming's land law we quote as follows:

"The board may lease any legal subdivision of the lands of the State at an annual rental not less than 5 per cent on the valuation thereof, fixed by the board, except as hereinafter provided.

"State lands may be leased for periods of not more than five years.

"All water rights which shall have become appurtenant to the lands leased aforesaid shall, upon the expiration of the leases thereto given to the lessee who made the irrigation and improvements thereto, become the property of the State."

Wyoming's total acreage was reported on June 30, 1897, by the Secretary of the Interior as 62,433,000 acres, of which only 4,925,415 acres had been appropriated; of the remainder, 8,166,002 acres were in reservations—Indian, military, etc.—while 49,341,583 acres were reported as vacant public lands. Granted to Wyoming for all purposes, 668,000 acres.

Referring to swamp lands, the same report records as donated swamp lands to that date—

	Acres.
Florida	22,247,562
Louisiana	11,769,450
Arkansas	8,656,372
Michigan	7,293,159
Minnesota	4,949,278
Missouri	4,843,676
Iowa	4,570,172
Wisconsin	4,569,712
Illinois	3,981,784
Mississippi	3,604,471
California	1,889,377
Indiana	1,377,727

and various other States smaller amounts. Not one of the above, excepting California, is as large in area as Wyoming, while most of the States to which these grants were made have but one-half to one-third as much area as Wyoming.

The arid lands in Wyoming must be reclaimed to be of value, much the same as swamp lands require reclamation. In one case there was too much water, and too little in the other.

PENSIONS TO SOLDIERS OF INDIAN WARS.

The bill (S. 340) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. GALLINGER. That bill has been read.

The PRESIDENT pro tempore. The bill has been read through. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. GALLINGER. There are amendments of the committee to be acted on.

The PRESIDENT pro tempore. The amendments of the Committee on Pensions will be stated in their order.

The SECRETARY. On page 2, line 4, after the word "military," insert the word "State;" so as to read:

That the act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, be, and the same is hereby, amended and extended so as to include the names of the surviving officers and enlisted men who served for thirty days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of 1817 and 1818.

The amendment was agreed to.

The SECRETARY. On page 2, line 14, after the words "eighteen hundred and fifty-eight," insert the word "inclusive;" so as to read:

The Florida wars with the Seminole Indians from 1842 to 1858, inclusive.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, in line 20, page 2, after the words "eighteen hundred and fifty-three," to insert the word "inclusive;" so as to read:

The Utah Indian disturbances of 1850 to 1853, inclusive.

The amendment was agreed to.

The next amendment was, at the end of the bill, to insert the following additional proviso:

And provided further, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT PEMBINA MILITARY RESERVATION LANDS.

Mr. TILLMAN. Are we going on with the Calendar regularly?

The PRESIDENT pro tempore. That was the unanimous-consent agreement.

Mr. HANSBROUGH. I trust the Senator will not interpose.

Mr. TILLMAN. No, I am not going to interfere at all.

The bill (S. 157) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., by the State of North Dakota was announced as next in order.

Mr. RAWLINS. I ask the Senator in charge of this bill if there is any objection to making the provision general, making lands within abandoned military reservations subject to be selected to satisfy grants made to States where they are located within the State?

Mr. CULLOM. Mr. President, I must call the attention of the Senate to the fact that the hour of 2 o'clock has about arrived.

Mr. HANSBROUGH. Of course I knew if there was to be any discussion of the bill it would have to go over. The hour of 2 o'clock having arrived, I will postpone my answer to the Senator from Utah.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is the bill (S. 222) to provide a government for the Territory of Hawaii.

JOHN M. GUYTON.

Mr. CULLOM. The Senator from South Carolina [Mr. TILLMAN] has asked me to yield to him for the purpose of enabling him to have a bill passed, and I have agreed to do so if it takes no debate.

Mr. TILLMAN. It will take no debate, I am sure, because it has already passed the Senate twice before, and I am only anxious to get it on its way to passage through the other House. I ask the Senate to proceed to the consideration of the bill (S. 1017) for the relief of John M. Guyton.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $484.79 to John M. Guyton, former postmaster at Blacksburg, S. C., being the amount deposited by him to cover a deficiency arising in his office in the year 1890, which deposit was made to meet a loss by the embezzlement of a clerk on or about the 30th day of January, 1890, without blame or fault on the part of John M. Guyton.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER DAM.

Mr. NELSON. Mr. President——

Mr. CULLOM. I have also consented to yield to the junior Senator from Minnesota on the same terms. I hope that I shall not be asked to yield to any others.

Mr. NELSON. I desire to have a local bill relating to a matter in Minnesota placed on its passage. I ask the Senate to proceed to the consideration of the bill (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 3 of the act so as to read:

SEC. 3. That this act shall be null and void unless said dam herein authorized be commenced within two years and completed within four years from the date hereof.

Mr. HAWLEY. I should like to make an inquiry. Has this bill passed the approval of the War Department?

Mr. NELSON. It has been approved by the War Department. It is recommended by the Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOOL LANDS IN ALABAMA.

Mr. PETTUS. Mr. President——

Mr. CULLOM. For what purpose has the Senator risen?

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (S. 1175) to grant lands to the State of Alabama for the use of the Agricultural and Mechanical College of Alabama, for negroes, and the State Normal College, at Florence, Ala.

Mr. CULLOM. I yield if the bill which the Senator desires to have passed requires no discussion.

Mr. PETTUS. It will require none, sir.

Mr. CULLOM. I desire to say to the Senator from Alabama—I do not know whether he understood me—that if the bill the Senator desires to call up for consideration or passage requires no discussion, I have no objection to yielding.

Mr. PETTUS. I understand you, sir, perfectly. The bill is one that passed the last Senate and has received the unanimous report of the committee of this Senate. I ask the Senate to proceed to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1175) to grant lands to the State of Alabama for the use of the Agricultural and Mechanical College of Alabama, for negroes, and the State Normal College, at Florence, Ala., which has been reported from the Committee on Public Lands with an amendment, after line 12, page 2, to strike out the proviso in the following words:

And provided further, That this grant to the State Normal College shall be in full settlement and payment for all property belonging to said State Normal College, or its predecessors, destroyed by Federal troops during the war, and shall be received by said State Normal College in full satisfaction of all such claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TERRITORY OF HAWAII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CULLOM. I desire to make two or three little formal amendments to the bill. On page 11, line 22, I move to strike out the words "ayes and noes" and insert "yeas and nays;" and in line 23, same page, I move to strike out "ayes and noes" and insert "yeas and nays." That is the form that is used in this country more particularly.

The amendment was agreed to.

Mr. CULLOM. On page 18, line 22, I move to strike out "ayes and noes" and to insert "yeas and nays," and wherever those words occur I desire that they should be stricken out and the words "yeas and nays" inserted.

The amendment was agreed to.

Mr. CULLOM. I move the same amendment on page 19, lines 22 and 23.

The amendment was agreed to.

Mr. CULLOM. Mr. President, I have nothing further to say at this moment.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). This bill is in Committee of the Whole, and open to amendment.

Mr. PLATT of Connecticut. There was an amendment passed over.

Mr. CULLOM. Yes.

Mr. NELSON. I desire to offer an amendment in section 10, line 22, page 7, after the word "contracts," by inserting "except contracts for labor entered into since Hawaii was annexed to the United States." I desire to except all labor contracts which have been entered into since the Territory was annexed.

The PRESIDING OFFICER. The amendment submitted by the Senator from Minnesota will be stated.

The SECRETARY. In section 10, on page 7, line 22, after the word "contracts," it is proposed to insert "except contracts for labor entered into since Hawaii was annexed to the United States."

Mr. NELSON. I will briefly state the object of the amendment.

Mr. CULLOM. I have no objection to the amendment.

Mr. NELSON. Very well.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Minnesota [Mr. NELSON].

Mr. FORAKER. I suggest to the Senator from Minnesota that, instead of the expression, "since Hawaii was annexed to the United States," he adopt the date which has been adopted in this bill, August 12, 1898.

Mr. NELSON. Very well; that is satisfactory.

The PRESIDING OFFICER. The amendment will be stated as modified.

The SECRETARY. On page 7, section 10, line 22, after the word "contracts," it is proposed to insert "except contracts for labor entered into since August 12, 1898."

The amendment was agreed to.

Mr. VEST. On page 23, in section 55, line 8, I move to insert:

Nor shall any such bonds or indebtedness be incurred until approved by the President of the United States.

This bill provides that 3 per cent upon municipal assets may be issued in the way of bonds—not exceeding 3 per cent. Three per cent is a very large indebtedness, and our experience in Missouri has been so fearful about municipal indebtedness that I am always anxious to curtail the power as much as possible. The people of Missouri to-day pay $20,000,000 on fraudulent bonds issued by county courts under old charters, which nobody had paid any attention to, for railroads that never were constructed and never will be constructed, and there is no more possibility of their being constructed than there is of me carrying off this Capitol. Under the decision of the Supreme Court of the United States in the Iowa cases, any bonds issued by lawful authority and negotiated before maturity to an innocent holder for value assume the status of commercial paper and must be paid.

Mr. CULLOM. Do I understand that the bonds are not to be issued beyond a certain per cent?

Mr. VEST. The percentage is already fixed in the bill at 3 per cent.

Mr. CULLOM. Does the Senator mean by that that no indebtedness shall be incurred without the approval of the President or beyond such an amount?

Mr. VEST. I say "any such indebtedness." That retains the limitation of 3 per cent. I think that is too much. I think it ought to be 2 per cent. Any such indebtedness or loan, I assume, would retain the limitation of 3 per cent.

Mr. CULLOM. I am inclined to accept that amendment, so far as I am individually concerned.

The PRESIDING OFFICER. The amendment submitted by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to insert, on page 23, line 8, at the end of section 10, after the word "thereof," the words "nor shall any such bonds or indebtedness be incurred until approved by the President of the United States."

The amendment was agreed to.

Mr. NELSON. I offer an amendment to section 10, page 8, line 7, after the word "offenses," to insert "except for violation of labor contracts." The clause if so amended will read:

All offenses which by statute then in force were punishable as offenses, except for violation of labor contracts, against the republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii.

It is to prevent the enforcement by criminal punishment or to prevent criminal punishment for the mere violation of labor contracts.

Mr. MORGAN. I will say to the Senator that all the laws of Hawaii relating to punishment predicated upon labor contracts are repealed by this bill.

Mr. CULLOM. In so many words.

Mr. MORGAN. They are all repealed.

Mr. CULLOM. I have the penal laws of Hawaii in my hand, and that particular provision in the repealing section repeals all of the statutes pertaining to labor, servants, masters, etc.

Mr. HALE. I wish the Senator would state that to the Senate.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Maine?

Mr. CULLOM. I yield, of course.

Mr. HALE. I thought we were considering the amendment.

Mr. CULLOM. We are.

Mr. HALE. I wish the Senator would state for our benefit the theory upon which this bill proceeds as to the entire question of

contracts for labor. The situation is and has been peculiar in Hawaii and in marked contrast to our conditions here. I have not been able to find—because I have not examined the volumes of the statutes referred to—just what is the theory of the committee with reference to this subject, and what the bill contains and carries.

Mr. CULLOM. Mr. President, to begin with, as I stated yesterday, there are about 40,000 laborers in those islands, about half of whom are supposed to be under contract, and who were brought there under contract.

Mr. HALE. Under existing contracts?

Mr. CULLOM. Under contracts now existing in the republic, so called. This bill goes upon the theory that when the labor laws of the United States are extended over these islands by the passage of this bill nothing more can occur in the way of the importation of contract labor. Then, in addition to that, we go forward and repeal all the penal laws which justify the punishment in any way of a violation of labor contracts. So that, as the committee think, and as I think, the whole question is put beyond the control of the islands in undertaking to make any further labor contracts.

Mr. HALE. If the Senator will allow me, what troubled me was the repeal of all legislation which punishes the violation of the labor-contract provisions. As I understand the Senator, the bill proceeds upon this proposition, that there shall be no future contracts for the importation of foreign labor.

Mr. CULLOM. There can not be after our laws are extended over the islands.

Mr. HALE. The operation of this bill is to extend our laws, which provide, just as they do for Illinois or for Maine, that there shall be no importation of foreign labor by contract.

Mr. CULLOM. Yes.

Mr. HALE. And those laws which make that provision also provide punishments for their violation. The Senator does not mean that there is anything in this bill which prevents the operation of the penal force of our laws or permits any violation of the labor-contract laws that we have.

Mr. CULLOM. Certainly not. We have just adopted a provision which I offered here—as I stated yesterday, and I desired to do so specifically—requiring by this bill that all prosecutions for violation of labor contracts should be prohibited. In addition to that, we repeal all the local laws which in any way authorize such things.

Mr. HALE. All prosecutions not for the violation of labor laws, but labor contracts, so that they can not be enforced.

Mr. CULLOM. They can not be enforced.

Mr. HALE. Now, what does the Senator believe is the condition of the contracts which are now subsisting?

Mr. CULLOM. That raises a constitutional question, I might say, as to whether Congress or any other body can legislate rightfully, thereby invalidating a civil contract.

Mr. PLATT of Connecticut. No doubt they can.

Mr. HALE. I think they can; but does this bill attempt to do that?

Mr. PLATT of Connecticut. No, it does not.

Mr. HALE. Then this bill excludes that in so many words.

Mr. PLATT of Connecticut. I so understand. This bill in terms permits those contracts to exist and to run until they expire. Now, from the Senator's examination, what does he think is the actual operation of existing contracts for labor upon persons who have been brought in under those contracts, as to what numbers and what time, and how long they will continue? I do not know anything about that myself.

Mr. CULLOM. Those contracts run usually, I think, three years. That is my impression; but after the passage of this bill, the repeal of the laws authorizing labor contracts to be made, and the prohibition of an attempt to punish anyone for violating such contracts, what the result will be I do not know; but my judgment is it will result in the entire abolition of the contract system there.

Mr. HALE. The Senator believes that. Then, certainly in not more than three years it will all pass away.

Mr. CULLOM. My judgment is that it will pass away in less than one year, because they can not enforce such contracts by punishment as they have been doing heretofore. So I think in a very short time the result will be that the contract laborers in those islands will be a thing of the past.

Mr. HALE. The Senator thinks that it is practically abolished by this bill?

Mr. CULLOM. Yes.

Mr. PLATT of Connecticut. Will the Senator read the laws which are repealed?

Mr. CULLOM. If I should read all the laws which are repealed by this bill, I would be reading nearly all day.

Mr. PLATT of Connecticut. I mean the penal laws with regard to the punishment of contract labor.

Mr. CULLOM. I have the chapter here before me. Here is the chapter with the title "Masters and servants." I shall not undertake to read all of that.

Mr. PLATT of Connecticut. That is repealed.

Mr. CULLOM. A part of that is repealed, I see. Here is one of the provisions:

TO REGULATE CONTRACTS BETWEEN MASTERS AND SERVANTS.

SEC. 1368. All contracts for service between masters and servants, where only one of the parties is a native Hawaiian, shall be written or printed in both the Hawaiian and English languages. No such contracts shall have any effect in law when executed in one language only: *Provided*, That nothing herein contained shall be held or construed to prevent any such contracts being written or printed in the Hawaiian language only where both parties thereto are native Hawaiians.

SEC. 1369. The minister of the interior is hereby authorized to prepare, in both languages, printed forms of contract, as provided for in the foregoing section, in blank as to place, time, and service, wages, name, place where engaged, and place of residence.

SEC. 1370. Every contract for service authorized by section 1382 shall, in order to its validity, be acknowledged by the master or his duly empowered agent, and the servant before the agent to take acknowledgments of contracts, as hereinafter provided, and the certificate of acknowledgment shall be substantially as follows:

And so it goes on here for pages.

By this proposed law we will wipe that entirely out, so that there will be no statute in the Territory of Hawaii that pertains to the importation of labor or labor contracts such as we understand to be now in existence.

Mr. TILLMAN. But if the Senator will permit me, do not the penalties attaching to the breaking of a labor contract still obtain? Are they not left?

Mr. SPOONER. They are eliminated by the amendment offered by the Senator from Illinois.

Mr. TILLMAN. If you will read it, you will see that they are not eliminated.

Mr. CULLOM. I did not hear it read distinctly.

Mr. TILLMAN. They apply to contracts made since the islands have been in our possession, and not all the time.

Mr. NELSON. If the Senator from Illinois [Mr. CULLOM] will allow me a moment, I want to say to him that the amendment I offered can do no harm. It covers the exact case which he intends to reach. Here is the phraseology of the bill, commencing in line 5, on page 8:

All offenses which by statute then in force—

That means in August, 1898—

were punishable as offenses against the republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii, unless such statute is inconsistent with this act or shall be repealed or changed by law.

It may be that your repeal covers the case; but should there be any question about it, it will do no harm to insert this clause, as I suggested, after the word "offenses," in line 5; so that it will read:

All offenses except for the violation of labor contracts.

There can be no harm in that, and it "makes assurance double sure" on this point.

Mr. MONEY. Will the Senator from Illinois allow me to say a word to the Senator from Minnesota?

Mr. CULLOM. Certainly.

Mr. MONEY. If the statute which defines the crime and provides the penalty is repealed, then how can it be in force?

Mr. NELSON. That may be true, technically.

Mr. MONEY. It is absolutely so.

Mr. NELSON. I have not had time to examine it.

Mr. MONEY. All of those statutes are repealed by this bill. If a part of a statute falls, everything else goes with it.

Mr. NELSON. Is the Senator sure that the repeal will affect all of those laws?

Mr. MONEY. They are named by sections in the bill itself; and if the Senator will compare that—I suppose he has the penal statutes of Hawaii before him, has he not?

Mr. NELSON. No; I have not.

Mr. MONEY. I thought perhaps the Senator had a copy of the penal statutes. He will find that those statutes are repealed by this bill.

Mr. PLATT of Connecticut. I think they are.

Mr. MONEY. If they are repealed, there can be no offense and no punishment; and therefore the amendment would be entirely unnecessary.

Mr. CULLOM. The committee thought and believed that the bill had been so framed that it would get rid entirely of the contract-labor system which has prevailed in Hawaii.

Mr. PLATT of Connecticut. Chapter 78, if the Senator will permit me, which relates to masters and servants, reads:

If any person lawfully bound to service shall willfully absent himself from such service, without the leave of his master, any district magistrate of the republic, upon complaint made, under oath by the master or by anyone on his behalf, may issue a warrant to apprehend such person and bring him before the said magistrate; and if the complaint shall be maintained, the magistrate shall order such offender to be restored to his master, and he shall be compelled to serve the remainder of the time for which he originally contracted.

That has all been repealed, and those were the objectionable features, as I understand.

Mr. CULLOM. On page 6 of the bill the Senator will find that

chapter 78, in relation to masters and servants, will be repealed by the passage of this bill.

Mr. TILLMAN. But, if the Senator from Illinois will permit me, while they repeal those statutes which are for the punishment of contract laborers who break their contracts, section 10 provides that "all obligations, contracts, rights of action, suits at law," etc., shall be continued as effectually as if this act had not been passed.

Mr. PLATT of Connecticut. Those are contracts.

Mr. TILLMAN. Is not a contract for labor a contract?

Mr. FORAKER. That has been amended.

Mr. CULLOM. I proposed yesterday the following amendment:

Provided, That no contract for labor or personal service shall be enforced either by injunction or by legal process.

Mr. TILLMAN. That applies to all contracts. Make it a little more sweeping, so as to apply either before or after annexation.

Mr. CULLOM. It applies back to the beginning of time, so far as that is concerned.

Mr. HALE. It applies to all contracts that are subsisting at the time of the passage of this bill.

Mr. CULLOM. To all contracts.

Mr. HALE. Yes. Is that in the bill?

Mr. CULLOM. It is in an amendment which I propose, and which I referred to yesterday.

Mr. TILLMAN. You have not put it in the bill.

Mr. CULLOM. No; it is not in the bill, but I will offer it.

Mr. SPOONER. I should like to ask the Senator from Illinois if we do not by this bill confirm some labor contracts?

Mr. CULLOM. I think not.

Mr. SPOONER. Are there none entered into prior to 1898 still in force?

Mr. CULLOM. I suppose there are. I do not know about that; but if any Senator can draw an amendment which will close out those contract-labor importations and the enforcement of such contracts afterwards, and show that his proposition is constitutional, I shall be glad to vote for it.

Mr. SPOONER. I have not any doubt about the constitutionality of it. The inhibition against the passage of laws impairing the obligation of contracts is upon the States. It is not quite enough to eliminate punishment by the court after the fashion of the violation of some criminal act. The provisions themselves may be of a character which are offensive to our sense of what is just and what is right. That is what led me to ask the Senator if we are expressly affirming here and continuing any alien-labor contracts in Hawaii; and if so, to what extent? I wanted to follow that question by another, which perhaps I have not any need to ask, as to the general character of these contracts.

Mr. HALE. The statute covers that.

Mr. SPOONER. No; it does not.

Mr. CULLOM. I have a document which shows that. I have it not on my table at present, but I can get it in a little while. It shows copies of numbers of contracts, the exact contracts in letter and terms. I have not that here, but I will furnish it to the Senator, so that he can see exactly what the terms of the contracts are.

Mr. SPOONER. My recollection of these contracts, growing out of the debates on the annexation of Hawaii, is that they were brutal contracts that would not be tolerated at all in this country.

Mr. TILLMAN. Here are some provisions which are on a par with the black codes of some of the Southern States, and you gentlemen of the Republican party are in honor bound not to leave the people of Hawaii in the same condition in which the former slaveholders wanted to put their ex-slaves. If it is intended to repeal the provisions regarding these contracts and to annul them, why not say expressly that the contracts for labor heretofore existing, punitive in their character, are annulled, so as to make assurance double sure that you do not intend to leave those people over there in slavery?

Mr. CULLOM. That is just what we are trying to do, if the Senator will take notice. In the amendment which I propose to offer it is provided that no contract for labor or personal service shall be enforced. That comes pretty near annulling such contracts.

Mr. PLATT of Connecticut. Where does that come in?

Mr. CULLOM. I propose to offer it at the end of section 10, which is the section which proposes to keep alive all obligations, contracts, rights of actions, etc., as Hawaii passes from one form of government to another. I inquire of the Senator from South Carolina whether he does not think that amendment would accomplish just what he wants?

Mr. TILLMAN. Will the Senator indicate where he proposes to put his amendment?

Mr. CULLOM. At the end of section 10.

Mr. TILLMAN. I hope the Senator will offer the amendment.

Mr. CULLOM. I will move to add to section 10 the following:

Provided, That no contract for labor or personal service shall be enforced either by injunction or other legal process.

Mr. NELSON. You ought to insert "criminal process."

Mr. CULLOM. This refers to any legal process. If the Senator thinks he can help the amendment or strengthen it in any way, I shall be glad to have him do so.

Mr. HAWLEY. Would that forbid a citizen to bring a civil suit against a person violating an ordinary contract for labor?

Mr. CULLOM. It is a question with me whether that does not go so far as to interfere with civil contracts which are legitimate. There ought to be some way of enforcing contracts other than by imprisonment.

Mr. HAWLEY. Does the Senator mean contracts for labor made before the person contracted for arrived in that Territory?

Mr. CULLOM. I mean contracts growing out of the importation of those men to that country.

Mr. HAWLEY. That can be easily defined, so as to leave all innocent contracts under the law.

Mr. HALE. In other words, the Senator proposes to leave the contracts as civil contracts existing and to strike out all penal regulations and laws for enforcing them.

Mr. PLATT of Connecticut. No; Mr. President.

Mr. HALE. Is not that so?

Mr. PLATT of Connecticut. The effect of the Senator's amendment is, I think, to prevent the enforcement by law of all contracts in the islands relating to labor.

Mr. HALE. Any kind of enforcement, not only the penal provisions and punishments, but a civil suit or a civil process can not be maintained.

Mr. CULLOM. Yes.

Mr. HALE. Well, that in effect abolishes it in toto, does it not?

Mr. PLATT of Connecticut. I think it goes too far.

Mr. CULLOM. As I said a while ago, my judgment is that if we repeal the penal provisions affecting such contracts the result will be that the whole business will break down, because it can not be enforced.

Mr. HALE. What does the Senator leave standing?

Mr. CULLOM. The Senator leaves, then, all in the bill, in the hope that the insertion of a provision preventing criminal prosecutions for violating contracts is all that is necessary to be done by Congress.

Mr. PLATT of Connecticut. Mr. President, if I can have the attention of the Senator from Maine, it is proposed, at the end of page 8, to insert:

Provided, That no contract for labor or personal service shall be enforced either by injunction or other legal process.

If that means simply that no action shall be brought to compel a laborer to perform his contract either by injunction or application for specific performance, I do not know that I have any objection to it; but if it goes so far as to prevent an employer bringing a suit against a person who may have entered into a contract for labor to recover damages, I do not think that ought to be done.

Mr. HALE. Will not the Senator read that again?

Mr. PLATT of Connecticut.

Provided, That no contract for labor or personal service shall be enforced either by injunction or other legal process.

Mr. HALE. It seems to me that, in connection with the repeal of the penal provision, is extirpation of the whole thing, is it not? Does it not go to the root?

Mr. PLATT of Connecticut. It does.

Mr. HALE. It seems to me it does.

Mr. PLATT of Connecticut. I do not know but that it goes too far.

Mr. HALE. It seems to me it is extirpation of the whole thing, and there is under that proviso no process that anybody on the other side can invoke in criminal form, or any injunction or by suit for breach of contract, for damages.

Mr. CULLOM. I appreciate that, but it seems difficult to adopt an amendment that goes far enough and does not go too far. I think myself, and I believe everybody will agree, that if a business man, for instance, in this country or in Honolulu, makes a contract with another citizen there to perform work, building a house or what not, if the man does not do it the other man ought to have the right to bring a suit against him, and I do not know but that this would interfere with that. If it does, it would go too far. If not, it does just what I want to have done.

Mr. HALE. I suppose the committee intended that it should apply only to contract-labor matters, affecting the importation of foreign outside labor, and nothing more than that.

Mr. CULLOM. I am satisfied to have that adopted, and if on further investigation it seems to go too far, we can modify it.

Mr. FAIRBANKS. Read it again.

Mr. HOAR. Have it read at the desk.

Mr. NELSON. I suggest to the Senator from Illinois that he change it to "criminal prosecution," so as to limit it to injunction and criminal prosecution. That would leave the matter of the validity of the contracts to stand.

Mr. CULLOM. The amendment which is being discussed more or less referring to contract labor is as follows——

Mr. PLATT of Connecticut. No; it does not refer to that.

Mr. CULLOM. It does not refer to it in so many words, but the purpose of this amendment, while its phraseology may not exactly state it, is to prevent a criminal prosecution against a violator of a contract after he is brought into Honolulu from Japan, if you please, under a contract, and then violates it. We do not want him sent to jail.

Mr. HALE. It goes much further than that.

Mr. CULLOM. We do not want him prosecuted.

Mr. HOAR. The Senator was going to have the amendment read at the desk or read it himself, as he prefers.

Mr. CULLOM. I will read it myself. It is proposed to add to section 10:

Provided, That no contract for labor or personal service shall be enforced either by injunction or other legal process.

Mr. HALE. Why do you not say contract for foreign labor?

Mr. CULLOM. It means about the same thing, because they are all pretty much foreign who are laborers there.

Mr. PERKINS. I wish to ask the Senator from Illinois a question. While in the islands investigating the question of labor, did the commission hear any testimony as to the abuse of contract laborers, the manner in which labor was performed, and the penalties imposed for violations of their contracts? I should also like to inquire if they ascertained whether there were any large contracts for the construction of canals or railroads or aqueducts on the islands. We made every effort in the last session to extend to the islands our laws relating to contract labor and immigration, and it failed by reason of an objection upon this floor near the closing hours of the session. It is a notorious fact that since Congress adjourned many thousands of laborers have been brought into the islands of the Hawaiian group under contract for labor. I certainly think this amendment should be so framed that there can be no ambiguity whatever in its language and so that it will not require a judicial body to construe its meaning.

Both of the Senators on this floor who are members of the commission are thoroughly conversant with these great abuses, and I trust they will so formulate the amendment that there can be no question or doubt about it.

Mr. HOAR. I suggest to the Senator from Illinois this phrase, which I think will accomplish all Senators desire and which goes as far as we ought to go:

Provided, That there shall be no remedy for the specific performance of any contract for labor, and that the failure to comply with the same shall not be punished criminally.

Those are the things you want to do, leaving an ordinary action for damages for breach of contract.

Mr. HALE. Would the Senator make that apply to general contracts for labor?

Mr. HOAR. I think so.

Mr. HALE. Not only foreign labor, but ordinary contracts?

Mr. HOAR. We lived in Massachusetts without any remedy to compel the specific performance of ordinary labor contracts down to within a very few years, and I suppose they did in most of the other States.

Mr. HALE. A contract for labor sometimes involves a large transaction, like the building of structures.

Mr. HOAR. That is not a contract for labor.

Mr. HALE. It may be.

Mr. HOAR. Say "personal service."

Mr. HALE. I do not understand that the committee intends to go into that large domain of regulating contracts and controversies about labor outside of foreign contract labor.

Mr. CULLOM. That is all.

Mr. HALE. Why not, then, limit this by terms so that it shall only apply to the subject the committee intend to take up, and not take up that larger domain the Senator from Massachusetts suggests, which we have not had up? Let it apply only to contracts for labor.

Mr. HOAR. I have an impression that we have passed, certainly through the Senate, and I think through both Houses, a general domestic statute containing that provision so far as the United States courts go. I do not believe, in other words, that it is expedient that labor contracts shall be enforced by specific performance. Any other contract where specific performance is enforced is discharged by the payment of a sum of money, by the making of a deed of conveyance, or something of that kind, but holding a man to labor or service by law is repugnant to the genius of our institutions, whether it be holding him to the labor or service of a slave or any other form. In the description of slavery in our Constitution by a euphemism they avoided the term "slave" or "slaveholding" or "slaveholder," and the Constitution speaks of it as a person held to labor or service.

Now, when the immigrant comes over from a foreign country and gets to Hawaii, he is to a certain extent rather helpless if he has made an improvident contract. It is taking the body for the supreme court to say to a man, "You go and work for A B on his farm and stay there six months." It seems to me that wherever we have the legislative power we should say that the right of a man to himself shall not be interfered with by law in consequence of any alleged or any actual contract. You may come upon him for damages, if you can, but you shall not take him by the ear and lead him out to a day's work under the order of any court.

I will take the responsibility of moving the amendment I propose, and let the Senate do with it as it pleases. I move to insert:

Provided, That no proceeding shall be maintained for the specific performance of any contract for labor or service, and there shall be no criminal proceeding for the breach thereof.

Mr. SPOONER. I hope the Senator from Illinois will accept that amendment.

Mr. CULLOM. I think I will accept it, so far as I am concerned.

Several SENATORS. Say "personal labor."

Mr. HOAR. Insert the word "personal," so as to read "personal labor." I intended to put that in.

Mr. CULLOM. Question.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. NELSON].

Mr. NELSON. My amendment is to insert the following words——

Mr. SPOONER. On what page?

Mr. NELSON. On page 8. I think, however, that the amendment offered by the Senator from Massachusetts will cover it, and if that is adopted mine will be unnecessary.

Mr. CULLOM. Withdraw it.

Mr. NELSON. I withdraw the amendment if the other amendment is to be adopted. I withdraw it for the time being at least.

Mr. CULLOM. The amendment of the Senator from Minnesota is withdrawn.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois.

Mr. HOAR. The Senator from Illinois has accepted my amendment to his amendment.

Mr. CULLOM. I accept the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. CULLOM] as modified by the amendment of the Senator from Massachusetts [Mr. HOAR].

Mr. HALE. Let that as finally modified and offered by the Senator from Massachusetts be read, stating where it comes in.

The SECRETARY. It is proposed at the end of section 10 to insert:

Provided, That no proceeding shall be maintained for the specific performance of any contract for personal labor or service, and there shall be no criminal proceeding for the breach thereof.

Mr. HALE. Certainly that goes very far. It goes a great way beyond what the committee contemplated. It does not in any way confine itself to the evil which the committee sought to remedy, the continuance of contract labor and the enforcement of those contracts. That, I take it, was the only subject with which the committee intended to deal.

Mr. CULLOM. It was the only subject it seemed to be necessary to deal with in connection with labor, so far as we heard over there. Hence it was that we desired to break up the importation of laborers and contracts with laborers.

Mr. HALE. That, of course, is foreign imported labor.

Mr. CULLOM. I have no objection to the amendment to the amendment.

Mr. HALE. Now, the Senator from Illinois accepts this amendment to the amendment, and I think the Senate ought to understand that it is incorporating a very far-reaching, a very wide provision, touching not only labor imported by contract, which we have forbidden here and mean to forbid in Hawaii hereafter, but contracts touching any kind of business that involves personal labor. It declares that no proceeding shall be instituted to enforce it. I think that is the language. What is the language?

Mr. HOAR. I beg pardon. I suggested to the Senator's ear, "No." I said it not with reference to his statement, but his language was "any kind of business that involves personal labor."

Mr. HALE. That has been accepted. "Personal" has been incorporated.

Mr. HOAR. "Anything that involves personal labor" is not the language.

Mr. HALE. Let us have it exact.

Mr. HOAR. "Any contract for personal labor."

Mr. HALE. Any contract that involves personal labor, and no proceeding——

Mr. HOAR. The words "involving personal labor" are not there.

Mr. HALE. Well, for the enforcement of any contract for personal labor. It would apply to any large contract.

Mr. NELSON. Mr. President, will the Senator from Maine yield to me?

Mr. HALE. As a Senator suggests to me, it would apply not simply to a contract of a day laborer to perform work upon any building or any farm or any estate, but a contract for larger services, for the superintendency of an estate, of a plantation, of a mill.

Mr. SPOONER. Will the Senator from Maine allow me?

Mr. HALE. Certainly.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Minnesota?

Mr. HALE. Certainly.

Mr. NELSON. Will the Senator allow me one word here?

Mr. SPOONER. I thought the Senator from Maine yielded to me.

Mr. HALE. I yield to all.

Mr. NELSON. I think the Senator from Maine misapprehends the effect of the amendment. The effect of the amendment of the Senator from Massachusetts is simply to prevent the enforcement of certain contracts by specific performance and to prevent criminal prosecution. That is exactly the law all over the country, in every State in this Union. It has always been so. You can never enforce by specific performance a contract for personal labor in any case, from the President of the United States down to the commonest laborer. Neither can you prosecute it criminally. This leaves the law, I want to say to the Senator from Maine, just as it is in respect to remedies for breach of civil contracts. That is all.

Mr. HALE. I understand. I do not know so well as the Senator from Minnesota that there are not anywhere in any State provisions or laws or decisions which authorize the enforcement of a specific contract for labor of any kind. Certainly this strikes all that out, and I think Senators should understand that it is a very wide-reaching, far-stretching provision. It may be right. It may be that other States have such laws. I do not think we have in Maine. But it ought to be understood how far this provision does go.

There are plenty of things in this bill I can see as plain as day that will come up to perplex us hereafter. The relations are new. It is bringing into our system something about which none of us have any knowledge or experience—the application of laws to these people, the sustaining and upholding of certain other laws of theirs in part and making them remain in the future. All the complications in this bill, as I look at it and as I hear discussion upon it, grow in my mind, and I am afraid we will find, with all the care the committee has bestowed upon it and the scrutiny which Senators have given it, that when we get through in operation we will find a bill that will come back to trouble us in a great many ways, and that we are going very far in certain directions and not far enough in certain other directions. Therefore I call attention to this provision, which may be all right. It may be all right that every kind of contract involving personal labor shall only be enforced by a suit for damages; but everybody knows that a suit of that kind in most cases is of no avail and has nothing on which it can base a judgment. But it may be better to apply it here. We ought to understand it, of course, and I think we do understand the extent of the amendment of the Senator from Massachusetts.

Mr. HOAR. Mr. President, as is very well known, I have not been in favor of undertaking the government of subject populations, and all the reflection I have given to the matter increases my opinion that it is not desirable, either for such populations or for us, that we should do it. But I am in favor of giving a code of laws to a people whom I hope and expect some time may become a prosperous and strong American State; and it seems to me that when we are legislating for Hawaii, in regard to which I have such a hope and expectation, we ought, when we deal with any subject, to make our legislation perfect as far as possible in that particular.

Now, if it be sound public policy, in the judgment of the Senate, to prohibit a court from ordering anybody, humble or not humble, to be taken by the power of a sheriff or a marshal and led out to his work in the morning and sent back, not exactly like a galley slave scourged to his dungeon, but sent back, confined and bound and held in duress, I can not for the life of me see why that doctrine ought not to be applied now to the island of Hawaii by proper enactment while we are dealing with the specific subject. They are not going to make a law on the subject this year or next year. We are making a code which involves other large relations, and we are going to say something in that code about the legal remedy on contracts to labor. We have the subject up. The question is, having the subject up, whether we shall do the work or only half do the work. I am in favor of doing the work and not stopping when we have half done it. As the Senator from Minnesota has so well said, we are only enacting in this code what other States, some of which have codes and some have not, have for their law now.

Mr. CULLOM. Question.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Illinois as modified by the Sanator from Massachusetts.

Mr. RAWLINS. I ask that the amendment may be stated.

The SECRETARY. It is proposed at the end of section 10 to insert the following:

Provided, That no proceeding shall be maintained for the specific performance of any contract for personal labor or service, and there shall be no criminal proceeding for the breach thereof.

Mr. HALE. Would that description, no "contract for personal labor," cover the contracts that the committee originally intended to provide for—foreign labor? I do not know enough about it to know whether they are made with the persons who labor or whether they are made with parties who agree to furnish contract labor. In providing on the general ground that the Senator stated so strongly, I should not want to have this enacted and find that there slipped out the very provision that we started to put in affecting contracts for imported foreign labor. I do not know whether the contracts are made with those persons or with agents.

Mr. CULLOM. If the Senator will allow me, I have before me a document containing a contract.

Mr. HALE. The Senator from Illinois knows about that.

Mr. CULLOM. I will read a contract.

Mr. HALE. Read a portion of it.

Mr. CULLOM. Very well.

AGREEMENT BETWEEN JACOB COERPER AND CERTAIN JAPANESE WORKMEN.

This agreement made and entered into this 16th day of February, A. D. 1898, by and between Jacob Coerper, party of the first part, of Kahului, North Kona, Hawaii, and Koroyama (k), Yakoyama (k), Iwata (k), and Takista (k), of the second part, of Kahului 2, North Kona aforesaid, witnesseth:

That the said parties have agreed and do agree by these presents as follows: The said parties of the second part will plant and properly cultivate under and by the advice of said party of the first part, commencing within ten days from date, all that portion of land situate in Kahului 2, aforesaid——

Mr. HALE. The Senator need not go on. It appears that it is a contract made with each of the persons who are to perform the labor.

Mr. CULLOM. Who are to perform the labor.

Mr. HALE. And is signed by each of them personally?

Mr. CULLOM. It does not say how it is signed.

Mr. HALE. I suppose it must be.

Mr. CULLOM. I suppose it is.

Mr. HALE. In some of the California contracts the persons who performed the labor never signed any contract.

Mr. CULLOM. The Senator will see that this contract is not only to labor, but it involves a sort of partnership by which these men are to raise sugar at certain figures, and so on. You can scarcely say, in fact, that it is a personal labor contract, because it is an agreement between these parties to raise sugar on certain terms.

Mr. HALE. The last observation of the Senator from Illinois, that this does not come up to the legal description of a personal contract, raises a doubt. Has the Senator any doubt that the amendment which he has accepted does entirely cover the system of foreign-labor contracts?

Mr. CULLOM. I have no doubt it will destroy the business, and my own judgment is that without this amendment, the Constitution and the laws of the United States being extended over those islands, it will break up the whole thing, and there will be no more of it than there is in the United States.

Mr. PERKINS. I should like to ask the Senator from Illinois if, in his opinion, the amendment will cover a contract made by a certain Japanese company represented by its officers for a certain number of Japanese. As a matter of fact, thousands and thousands of Japanese workmen have been imported into the Hawaiian Islands. They come there under contract made with the managers of those companies. As evidence of that fact, permit me to read an extract from the report of Commissioner Powderly, made one year ago to our committee:

Detailed information of a confidential nature has been received, showing that since the passage of the joint resolution annexing the said islands immigration thereto has been greatly stimulated; as many as 7,000 Japanese have been contracted for by residents and 250 Italians engaged to work on sugar plantations. These figures, by a comparison with arrivals prior to the passage of the said act, indicate that interested parties are exerting themselves to land in said islands as many immigrants as possible of such classes as would be excluded if the operation of our immigration laws were extended so as to embrace arrivals in Hawaii.

It is a notorious fact that since this, one year ago——

Mr. JONES of Arkansas. I wish to ask the Senator what is the date of that report? I believe he said it was a year ago.

Mr. PERKINS. February, 1899.

Mr. JONES of Arkansas. How many of these Japanese laborers have been imported into Hawaii since that time?

Mr. PERKINS. The report is dated February 13, one year ago. I was about to say—I have it unofficially—that there have been fully 15,000 immigrants into the island since that time.

Mr. CULLOM. Will the Senator allow me to interrupt him?

Mr. PERKINS. Certainly.

Mr. CULLOM. I stated yesterday what seemed to be as far as

I could learn the fact, that there are about 40,000 laborers in the Hawaiian Islands now.

Mr. PLATT of Connecticut. Including Japanese?

Mr. CULLOM. Including Japanese and others.

Mr. PERKINS. And my friend was there a year ago or more.

Mr. CULLOM. A year ago last September.

Mr. PERKINS. My friend was there a year and a half ago.

Mr. CULLOM. But what I wanted to say is that the statement made by those who seem to know about it is that about one-half of the 40,000 have been brought there under contract, and about 25,000 of them perhaps, or a few more, have been brought there since the annexation.

Mr. PERKINS. It seems to me the point made by the Senator from Maine is worth our consideration. If this can only apply to personal contract and will not apply to companies, the very object we have in view will be frustrated. It is a question of great importance to the honor of this country and to Congress in legislating. The amendment proposed by the Senator from Massachusetts gives no more nor no less to the islands than applies to labor in other States and Territories of this Union. As I said before, the language should be so clear that he who runs may read. If the phrase "personal labor contracts" does not apply to companies, then the amendment should be reformed so that it will do so.

Mr. HALE. Mr. President, right in line with what the Senator is saying, to confirm the doubt that arose in my mind as to the application of the amendment, the danger in our scheme of larger benevolence of missing what is wanted in Hawaii, I have just been called out by a representative of that people, who is here with some official recognition, I do not know just what. He is an active, practicing, experienced lawyer, and he has just told me at the door that he is satisfied, as a lawyer familiar with their statutes and provisions, that this language, "personal labor," will not in any way affect the emigrant companies who have made these contracts and assigned them from time to time in bulk. So I think before we pass it we had better include both the larger scheme for labor and also the plan that the committee had originally of striking at this distinctive evil, so that it shall apply to personal labor and to all contracts involving imported foreign labor—something of that kind.

Mr. HOAR. I have all the respect for the gentleman named. I do not know whether my honorable friend gave his name or not in the Senate.

Mr. HALE. I have his name.

Mr. HOAR. I have all the respect for him which is due to the indorsement of the Senator from Maine, and that is very great respect indeed; but I must beg leave to suggest that the criticism comes from a very hasty and superficial notion of the matter. We are talking about contracts for specific performance and punishments by criminal process. You ought not, I believe every Senator will agree, to have a remedy by specific performance or a remedy by criminal process for the failure by a man to keep his engagement for personal labor and service. That, as has already been said, is the policy of most or all of the States of the American Union. Now, then, that, it is said, does not interfere with one man's contract to deliver the labor of another.

Mr. HALE. Or of many others.

Mr. HOAR. Or of many others. But it certainly does if the man who has agreed to deliver the labor of a thousand coolies or a thousand Japanese could not have any remedy against the man whose contract is to be delivered. The latter man is left free forever, and the other man, of course, can not have a remedy. There can not be a remedy for a specific performance against him that would be of any value, and there could not be before. There is no reason why he should not be liable in damages if he has made an imprudent contract of that kind which the man whom he undertakes to act for can not execute. In other words, what more do you want in regard to these contracts for the delivery of a thousand workmen and furnishing their service for a certain fixed time after they arrive in the island than a provision that the men whose service is sought are absolutely free in the matter, so far as these two proceedings go?

Mr. HALE. Now, let me put what might be an actual occurrence. An emigrant society—they call them that—signs a contract with A B to furnish the labor of 500 coolies for three years or five years. The contract is signed by the society upon the one side, by A B, who employs the society, on the other, and not one of the 500 persons either signs with the emigrant society personally, or with A B, who is to get the benefit of the labor; but it is a general sweeping contract to furnish labor, not the personal labor of the emigrant society, for it has none, but the labor of 500 different persons. Now, if we include in the operation of the bill nothing but contracts for personal labor, notwithstanding the great authority and experience of the Senator from Massachusetts, I should doubt whether, upon a question coming up between A B, who takes this labor, and the emigrant society, who contracts for it, the courts would decide that that was, under the language here, a contract for personal labor.

Mr. HOAR. Suppose they will not. What harm would then happen?

Mr. HALE. Then we are doing nothing.

Mr. HOAR. You have made it absolutely impossible for this man to perform that contract except by the voluntary consent of the men who want to be employed. Nobody objects to that.

Mr. HALE. It does not come up between the men who are employed and the society.

Hr. HOAR. Suppose it does not.

Mr. HALE. It comes up between the man who is to use the labor and get the benefit of it and the original society.

Mr. HOAR. Suppose it does; what happens?

Mr. HALE. He may enforce it.

Mr. HOAR. How can you enforce it?

Mr. HALE. Because we do not prohibit it.

Mr. HOAR. Yes; we have taken it out. The Senator fails to get my point, undoubtedly owing to my failure in stating it.

Mr. HALE. No; it is my failure to comprehend it.

Mr. HOAR. I can not for the life of me see what, if you have said that these laborers are free from all legal constraint whatever except a suit against them for damages, which nobody thinks is worth the paper on which the writ was printed, how the whole of this mischief is then cut up by the roots. In other words, the contract of the man to furnish 500 laborers is a contract which he is left utterly powerless to perform, and there is no remedy against him, of course, except the suit for damages.

Mr. HALE. But, like any process, there are other things and there are other results. It may be an entirely responsible company. Do you want these processes? If the Senator says, "Why, I have got as far along, in that I have exempted these persons and that nobody can trouble them, and these other parties may fight it out with the contract for a specific performance just as they choose," that is an answer; the Senator does not care anything about that.

Mr. HOAR. You have taken all. What is the mischief? Suppose the Senator from Maine and I make a contract that one shall furnish to the other 500 laborers in the State of Maine. Now, what is the mischief of that contract? The mischief is that 500 men, who are not free agents by reason of their poverty, have put themselves in a position where they have got to be compelled to labor by a civil or criminal process for the specific performance, by an indictment, against their will. Of course, if the contract between the Senator and myself is not enforced at all, it does not do any public harm or mischief. If it is enforced merely by a suit, it is not against me in the sum of damages due to the Senator, but men who are not laborers. That does not do any public mischief at all. Neither of us would undertake to enter into such a contract. He is only a public sufferer, but the public mischief of having involuntary labor kept to its task in that way is utterly gone by the result of this amendment, and there is nothing left which can do any public harm. That is the answer to it.

Mr. HALE. In a contract such as I have stated I do not think that these 500 individuals would have anything to do with it anyway. They have not made any contract. The bill does not apply to them at all.

Mr. HOAR. They could if they had made the contract.

Mr. HALE. But they have not made it.

Mr. HOAR. The trouble is this: The Senator from Maine agrees with somebody to furnish him 500 laborers for twelve months the 1st of next January; and thereupon when the 1st of next January comes, he goes and gets the 500 laborers in a condition of poverty and distress, and brings them across the sea; and he has got them where he can scourge them to that labor. I do not mean that he can literally scourge them, but he can compel them by criminal and civil process both; and that is the mischief, that he should have 500 men compelled to labor at his terms in competition with 500 free laborers.

Now, that is the whole mischief. The fact that he has agreed to furnish me a certain amount of labor does not do any harm. This law comes in and says, in other words, the man who has made that contract with you shall have no legal power whatever to help him to keep it. You can only enforce it by the voluntary action, voluntary all through the time up until the twelve months are over, of the men whom he expects to do the work. Therefore, that being right, we say that can not be enforced, and nothing has happened except that one rich man has made a contract with another, which he can not keep by any legal power and which he ought to be permitted to keep if the workmen are free all through the time, because there is no constraint on them, if they are willing to help him to keep it. The only mischief, then, that has happened is that one rich man, a well-to-do man, has got a claim for damages against another rich man, and we do not care anything about that at all. That is the whole of it.

Mr. HALE. I have been looking at this in a different way from what the Senator has. He has been looking at it at the end of the contract that is made by the party furnishing the laborers. The contractor brings them over here. I have been looking at it, and

I supposed the committee was looking at it, from the other end, whether the party in the island who hires the men to do his work can enforce it.

Mr. HOAR. We have cut off the other end altogether by this law.

Mr. HALE. I do not know whether you have. I have not been looking at rights on the part of the individual who brings the poor creatures over here and sells their labor. I do not care whether he is protected or not. I do not think he would come in. I think the committee has been looking, as I was, at the other side, at the man on the island who is conducting the works, who is running a manufactory or a plantation, who hires the men from the contractor. That is the side I have been considering, not the side the Senator from Massachusetts has considered.

Mr. TILLMAN. I ask the Senator from Maine, how would the contractor who had agreed to furnish 500 men have any hold on them unless he had a contract?

Mr. HALE. That is a contract which is made outside of this country; I do not know.

Mr. TILLMAN. But under the penal laws of Hawaii, which we are discussing, that contract made in Japan or China has been enforceable in Hawaii, and punishable by imprisonment and scourging, so to speak.

Mr. HALE. That entire provision has been abolished in another way.

Mr. TILLMAN. We have repealed the Hawaiian statutes, and now we are trying to let loose the people under contract.

Mr. HALE. Now we are dealing with the other end. We are dealing with the relation of this labor and the man who contracts to furnish the employment, as I understand it.

Mr. LINDSAY. I will ask the Senator from Maine whether, in the absence of a statute, the contract made by either the contractor or the laborer could be specifically enforced under any principle of equity?

Mr. HALE. I do not know that it can.

Mr. LINDSAY. I do not think there can be any enforcement of either one of these contracts unless there be a statute, and I understand the Hawaiian statute is to be repealed.

Mr. HOAR. Will the Senator allow me?

Mr. LINDSAY. Certainly.

Mr. HOAR. Then this statute, to make it clear and plain, is an American law for Hawaii and can not be enforced here; whether necessary or not is another question.

Mr. TILLMAN. I will call the attention of the Senator from Kentucky to the fact that this bill as framed and brought in here expressly excepted the existing contracts and only repealed the statute to take effect hereafter, and we are now trying to get the people loose from the contracts that have been made in the past.

Mr. SPOONER. I move to amend the amendment, if I may do so. Has the amendment been accepted?

Mr. CULLOM. Yes.

Mr. SPOONER. I move to amend the amendment of the Senator from Massachusetts by inserting after the word "contract" the words "heretofore or hereafter entered into."

Mr. HOAR. I accept that amendment.

Mr. CULLOM. So do I.

The PRESIDING OFFICER. The Senator from Massachusetts accepts the proposed amendment. The amendment offered by the Senator from Massachusetts will be read as modified.

The SECRETARY. As modified the amendment will read as follows:

Provided, That no proceeding shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, and there shall be no crimimal proceeding for the breach thereof.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Massachusetts.

Mr. RAWLINS. I ask if that would cover cases involving a relation of confidence—for instance, contracts with agencies where there might be embezzlement? Would that exclude a transaction of that kind?

Mr. HOAR. I suppose that would be like larceny, and that class of services is not usually spoken of in law. "Personal labor or service" is a well-understood legal term in the statutes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 25, after the word "language," in line 2, insert:

Provided, however, That the legislature of the Territory of Hawaii may at any time after January 1, 1903, submit to the lawfully qualified voters of such Territory such changes and modifications in the qualifications for electors as they shall see fit; and the same being adopted by a majority vote, taken in the mode prescribed by the legislature, shall be valid and binding as law.

Mr. CULLOM. I think that provision is entirely unnecessary. I think the bill already provides for it; but I have no objection to it myself. They can have that privilege anyway.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Wyoming [Mr. WARREN].

The amendment was agreed to.

Mr. HALE. On page 29, line 3——

Mr. CULLOM. What section?

Mr. HALE. It is chapter 3, under the head "The executive." It is the appointment of a governor, the executive power; that the executive power of the government of Hawaii shall be vested in a governor, etc. He shall not be less than 35 years of age; shall reside within the Territory. If it is intended that a resident of the Territory shall be appointed, I should prefer the words "be a resident" to the word "reside," because the governor may be appointed anywhere and reside in the Territory after he is made governor. I suppose the design is to appoint an actual resident at the time of his appointment. How is that?

Mr. CULLOM. I think that is a fair construction of the language as it is in the bill.

Mr. HALE. Then there certainly will be no harm, and it would make it more clear, to strike out the word "reside" and insert the words "be a resident of."

Mr. CULLOM. I have no objection to that.

Mr. HALE. I move that amendment.

Mr. CLARK of Wyoming. If the Senator from Maine will allow me, I have an amendment prepared upon that same line, which proposes to strike out all of the words "shall reside within the Territory and be a citizen of the Territory of Hawaii." I believe that all of these offices should be filled from citizens of Hawaii, but this is a limitation upon the power of the President to appoint Territorial officers. Both political platforms in late years have declared that it is the policy of both parties to appoint residents of the Territories to office, but ofttimes conditions have arisen when the President could not, with justice to the people or with justice to himself or the people of the whole country, appoint a resident of that particular locality.

I have no fear that the President of the United States would abuse his power of appointment, and I think there ought not to be a limitation upon him, but that he should be allowed to make these appointments from whatever part of the United States he should see fit under the special circumstances which might arise at that time. For one, having lived in a Territory, I have always insisted that appointments should be made from the citizenship of that Territory. But conditions, as I say, have often arisen in special cases where this limitation imposed on the President would work harm, not only upon the country at large, but upon the particular Territory to which the appointment was made. I think the Senator from Maine can see circumstances and conditions which might arise where there might be a quarrel of factions and where the President could not appoint an officer from the locality in which he is to serve.

Therefore I have prepared an amendment to strike out even the part which the Senator from Maine seems to think is too weak.

Mr. HALE. Then I suggest to the Senator to let my amendment be adopted, which goes to a certain extent—it does not interfere with his—and then he can move to strike out the whole clause as amended and insert his substitute. There is no objection to that.

Mr. CLARK of Wyoming. I certainly have some objection to that, because I think the committee provision goes far enough, and certainly the amendment of the Senator from Maine goes a great deal further. So I should prefer that the committee provision should stand, if either is to be made a part of the bill.

Mr. HALE. Well, let my amendment be voted down, if that is the view of the Senate. I have assumed that the intention was to appoint some one who at the time of the appointment is a resident. There might be some doubt under the language whether anybody might not be appointed and sent there and move there and reside afterwards. "The governor shall reside." I make it more certain, if it is the intention that he shall when appointed be a resident, by substituting the words "be a resident" for the word "reside." I move that amendment. If that feature is incorporated, then the Senator comes in with a much larger proposition, which leaves it open to anybody.

Mr. CLARK of Wyoming. It leaves it open to the discretion of the President.

Mr. HALE. Yes; it leaves it to the discretion of the President. Of course that is for the Senate to determine. It opens up a much wider question. But my amendment does not open as wide a question. So I move that amendment.

Mr. CLARK of Wyoming. I hope the Senator will remember that this is going much further in the appointment of governors of this new Territory than the Senate or either House of Congress has ever ventured to go in regard to the appointment of governors of our own Territories. We have enacted in the platforms of both the political parties the same thing that is proposed here; but none of our political platforms in words have been enacted in the organic acts of any of the Territories.

Mr. HALE. No; but I offered the amendment under the impression I had gained from distinguished men, like the Senator, who for years represented a Territory in the other House, that it was much better in all these cases that the officials should be taken from men residing in the Territories. That has so operated upon me; there were so many evils in the old arrangement, and so many men were foisted upon the Territories who were incompetent and who added nothing to the life or the prosperity of the Territories, that I think it has worked better where residents have been appointed; and while we have not crystallized that principle into law, it has been done with few exceptions by both parties appointing residents. My impression is, if all is true that has been said about the intelligence of the people of Hawaii, their brightness, their capability of enacting and observing laws, we should do much better if we provided for the appointment of distinguished residents, actual residents, at the time of the appointment.

I am rather more hopeful than some of our friends. I think there are Senators who have looked at this matter personally who are rather hopeless, and who say that we shall have to send our own people out to govern the people of Hawaii. I did not vote for the bill which annexed the islands with that view, and I should not have voted for it if I had had that opinion, but I should have said, "Wait a while." But, going on the proposition that those people are very intelligent, that we are going to restrict the suffrage, that not much harm can come during the time of their remaining as a Territory, I still think that the appointment of their chief executive should be restricted to those who are actual residents of the Territory at the time of the appointment. It was with that view that I offered the amendment; but, of course, the Senate may vote it down.

Mr. FORAKER. I should like to have the amendment which has been offered read at the desk.

The SECRETARY. On page 29, line 3, after the word "shall," where it last occurs, it is proposed to strike out the word "reside" and insert the words "be a resident," so as to read "shall be a resident within the Territory," etc.

Mr. CLARK of Wyoming. Mr. President, I do not want the Senator from Maine or any other Senator to misunderstand my position in this matter. I believe and I know that the people of the proposed Territory of Hawaii are as capable of self-government as the people of any State or Territory in this Union. But we are not giving them self-government under this bill; we are not giving them the right to select their governors; we are simply giving them right to have a governor appointed by the President of the United States, and the appointment should be made in the same manner as that of the governor of any other Territory.

Mr. HALE. We are giving them a very considerable measure of self-government.

Mr. CLARK of Wyoming. We are giving them more than we have given any other Territory ever admitted to the Union; and I am glad of it. They should have the highest measure of self-government. But where we limit them, we ought not to limit the exercise of the discretionary power of the President. If they should go into elections and elect their governor, that would be one question; but here we have a condition of affairs arising where the President of the United States is called upon to make the selection.

As the Senator from Maine says, I have lived in a Territory; I have advocated home rule for the Territories, and have insisted that the officers of the Territories should be appointed from their citizenship, because I have always contended that the men who go into a country to make new Territories have as much brains and know the conditions of those countries as well as any who live outside.

But the Democratic party and the Republican party, while favoring home rule in the Territories, never insisted that the President of the United States should be deprived of his authority to go outside of the people of a Territory to make appointments if he should deem it expedient or necessary. If the Senator had lived in a Territory as long as I have, he would know that there are conditions sometimes arising, where, for instance, there are contending parties for a given office, where partisanship runs much higher than it does in a general election in one of the States, and where if the head of one of the contending parties should be appointed by the President it would result in "confusion worse confounded." In such cases in our Territory since 1888, when the principle of home rule was first adopted by both political parties, the President has found it necessary to go outside of the limits of the Territory and appoint the governor and judges of the courts.

While I say I do not apprehend for a moment that the people of Hawaii would not select a just and proper person among their own citizenship for the governorship, yet a condition of affairs might arise where the best interests of the whole community would be subserved by the President going outside of the limits of those islands. Therefore, I say I think that Territory ought to be left in exactly the same situation as any other; not that I think the President without cause would go outside and foist unpleasant appointments upon the people, but because I say a condition might arise when, for the best interests and the good order of a community, he would be compelled to make appointments from outside a Territory. I think the discretion ought to be unlimited in Hawaii the same as it is in the Territories on the mainland.

Mr. TILLMAN. I hope the amendment of the Senator from Maine will not prevail, for it appears to me from the information I have been able to gather that we already have an oligarchy in Hawaii, and to perpetuate it by prohibiting the President from sending some new men there who might inject some Americanism into that country would be a calamity. I therefore think that the proposition that the President shall be limited in his appointment to a resident of those islands is pernicious in policy and will tend to accentuate the existing evils there.

Mr. CULLOM. I think this bill as it stands on that question is good enough, and an important feature is that the man who is appointed governor shall reside in the Territory during his term of office. My own opinion is that the President of the United States, whoever he may be, will find men in the Territory who are just as well qualified for the office of governor, or any other office, as anybody outside of the Territory. I hope the bill will stand just as it is.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine [Mr. HALE].

The amendment was rejected.

Mr. SPOONER. Mr. President——

Mr. CLARK of Wyoming. I want a vote on my proposed amendment.

The PRESIDING OFFICER. The Chair did not understand that the Senator from Wyoming had offered an amendment.

Mr. CLARK of Wyoming. I had not offered it, but I intended to offer it. It was right on this same proposition, Mr. President. I move to strike out, in lines 3 and 4, on page 29, the words "shall reside within the Territory," for the reasons I have mentioned.

Mr. MORGAN. If that motion prevails, we shall endanger those islands, I think, by having a nonresident governor, who may reside in California and govern the Territory of Hawaii.

Mr. CLARK of Wyoming. I will say to the Senator from Alabama that my object is simply to provide for residence at the time of the appointment. Of course it is supposed the governor of a Territory or a State will reside in the Territory or State during his incumbency of the office.

Mr. MORGAN. As I understand the object of the bill, it was to require the governor to reside there and not to restrict the President as to the appointment of a person who at the time of the appointment resided in the islands. There are some very strong reasons for requiring the governor to reside in the Territory.

Mr. CLARK of Wyoming. If I could understand the bill in that way, I should not object; but I think it is capable of a different construction.

Mr. MORGAN. I think it is; but the committee intended to leave the President at liberty to make his appointment from where he chose.

Mr. HALE. I understood it the other way. I thought when I appealed to the Senator from Illinois that he would sustain me in that view, and that is why I offered the amendment.

Mr. CLARK of Wyoming. That is exactly the way I understood it.

Mr. HALE. I understood the committee intended that the governor should be a resident of the Territory, and that there was no need of my amendment, and therefore I did not make much point about enforcing it. Now, however, the Senator from Alabama comes in and says the committee meant the other thing, just the opposite—meant that the governor might not be a resident. I do not know who is right about it, whether the Senator from Illinois or the Senator from Alabama. It now seems that it means either.

Mr. CULLOM. I think the bill is all right as it is on that point. There is nothing before the Senate, I believe, in the way of an amendment, Mr. President?

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. SPOONER] was recognized.

Mr. SPOONER. Mr. President, there may be something in the peculiar situation in Hawaii——

The PRESIDENT pro tempore. The Senator will pardon the Chair for a moment while he inquires if the Senator from Wyoming has offered an amendment.

Mr. CULLOM. He has not.

Mr. SPOONER. Did the Senator from Wyoming offer an amendment?

Mr. CULLOM. He withdrew it, if he offered it.

Mr. CLARK of Wyoming. I withdrew it under the statement that was made.

Mr. TILLMAN. What was the statement of the Senator from Illinois?

Mr. CLARK of Wyoming. Under the statements of the Senator from Alabama and the Senator from Illinois, who are both

members of the committee and who cooperated in the preparation of the bill, that it meant exactly what I said and argued for, I withdrew the amendment.

Mr. SPOONER. Mr. President, there may be something peculiar in Hawaii and the situation of the people there which not only justifies, but requires a departure in some instances from the governmental methods which are fundamental in this country. If there be, I do not wish to make any motion to strike out section 15; if there be not—and I ask the Senator who has charge of the bill [Mr. CULLOM], or the Senator from Alabama [Mr. MORGAN], who is very familiar with the situation in Hawaii to explain it—I shall make that motion. The section is as follows:

SEC. 15. That in case any election to a seat in either house is disputed and legally contested, the supreme court of the Territory of Hawaii shall be the sole judge of whether or not a legal election for such seat has been held; and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

Of course, under our system of government, without any exception, so far as I remember, each house has been made, and is made, the sole judge of the elections, qualifications, and returns of its members. There may be some situation in Hawaii which demands this change, this peculiar provision.

Mr. MORGAN. I do not know of any situation in Hawaii that makes it exceptional on this subject. I can only say that if Kentucky had such a provision in her constitution now, we would not have the row that is going on there, but we should have the means of settling the question in dispute as to the title to the office of representative or senator, to be determined by the supreme court of the State. I think it would be a great relief to this country now if we had such a provision. I do not remember—perhaps the Senator from Illinois [Mr. CULLOM] can remind me—whether this provision was in the constitution of the republic. I rather think it was.

Mr. CULLOM. It was in that constitution.

Mr. MORGAN. I will say, Mr. President, that it has been observed here by a Senator who knows all about Hawaii, who has studied the system very fully, that that is a government which is equal in all respects in its political economy, in the wisdom of all its constitutional and other provisions—and he might have added in the fruits of government—to any State government in the American Union.

When the commission went out there the circumstances under which they were required to act were altogether the reverse of those which attended the action of any committee of either House of Congress in the formation of a Territorial government for our young and growing Territories. In the formation of the Territorial governments in the United States, which have been very numerous and very diverse, we have commenced with a community that was unorganized, speaking in a legal sense, and have undertaken to build it up really into statehood, especially in regard to those areas of territory which are on this continent. The purpose has always been distinct and perfect that the ultimate result of our work in giving them government republican in form, as is required by the fourth section of the fourth article of the Constitution, has been that they should be admitted as States into the Union. No such definite purpose as that was expressed in the act of annexation; and perhaps it is in the contemplation of Senators now that it will be a long time before Hawaii can be admitted into the Union, if ever. The honorable Senator from Connecticut [Mr. PLATT] remarked this morning that he hoped it would not be a long time before a great and prosperous State would be found there in the heart, I may call it, of the Pacific Ocean.

Mr. PLATT of Connecticut. The Senator is mistaken. It was the Senator from Massachusetts [Mr. HOAR] who said that.

Mr. MORGAN. I beg pardon. It was the Senator from Massachusetts.

Mr. PLATT of Connecticut. I entertain a different idea about it.

Mr. MORGAN. When I went out there under commission from the President, in company with my colleagues, one from the Senate, one from the House of Representatives, and two from Hawaii, after I had studied the system there during that visit and also the year previously, I became satisfied of the perfect truthfulness of the observation that those people had built up a government that was at least equal in all respects to any government in the American Union. My first proposition was that we should recommend that the people of the Hawaiian Islands should hold a convention, adopt a constitution, and apply for admission into the American Union. None of my colleagues on the commission agreed with me about that. I still adhere to that as the opinion which I think is best entitled to be followed.

But what work had we to do there? We were not preparing to build up a Territorial government step by step, through such processes as we are now carrying on, for instance, in Alaska; starting in one session of Congress to do one thing, and at another session of Congress, when matters are a little advanced, to do another, and we have not yet in the case of Alaska got so far as to authorize the people there to have a legislature. They are governed by a code of laws which we borrowed from the State of Oregon, and by a United States court, or a Territorial court, that is now established there for the purpose of executing those laws and also the laws of the United States. Alaska is in a very nebulous condition as yet as to government; but it is among that class of efforts we have been making to ripen up a condition of affairs in the Territories, so that they can finally be prepared to attain to statehood.

When we got to Hawaii we found a state in full operation; we found a republic there. It had been an independent republic. We found that that republic had been ingrafted upon a monarchy; that it had excluded all of the monarchic features of government, but still retained many of the constitutional features which had been inaugurated there by the monarchs themselves, beginning with Kamehameha I or Kamehameha II and running down through that dynasty. Our duty was dangerous and disagreeable, the difficult duty of tearing down a state government, a perfect system of government, with its constitution and laws, with its supreme court, with 11 volumes of supreme court decisions of very high grade and character, tearing all that fabric of government down, attended, as it was, with a great many institutions of renown really, such as colleges and hospitals, and the like of that, and substituting for it a Territorial government. Naturally our affections turned to the best forms of Territorial government in the United States, which I may say now are possessed by Arizona and New Mexico.

Now, to describe those advantages for a moment, and to borrow from the Senator from Nevada a statement which I think is entirely correct, we find in New Mexico and in Arizona complete systems of Territorial government, in which they have their courts, their supreme court, their governors, appointed by the President, and some of the other officers appointed by the President; their legislature elected by the people; their codes of laws which they have enacted from time to time, very few, if any, of which Congress has ever exercised the right of repealing or amending. The whole civil code of New Mexico and Arizona stands upon the will of the people out there, just as the civil code that was built up in Hawaii stood there upon the will of the people, expressed not only during the time of the republic, but antecedent to that, during the time of the monarchy, with principles perfectly well settled; institutions thoroughly established; laws that were approved by the people, and the fruits of which have not been surpassed, I believe, by any civil government in any country in the world.

We had all that to tear down, and our natural disposition and our natural inclination was to preserve to those people as many of their own institutions and as many of their laws as we could that were consistent with the laws and institutions of the United States and those principles of government which obtain in the United States.

So that in going upon this very difficult work we had to take the entire code of laws—the civil code and the penal code, which are embodied in two volumes which I have upon my desk here, very ably compiled and codified by Mr. Ballou, and the subsequent session statutes of 1888—and incorporate them into a new system. We naturally, as I observed before, left as much of those laws standing as we thought we could leave standing, to have the system there comport with the laws and policy of the Government of the United States. In doing that we arrived at the conclusion that what they had adopted in what is here presented in section 15, and which they had adopted in their constitution, was a wise provision of law and tended to prevent those outside controversies of a political kind which arise in Congress here, or in the States, and which have frequently given rise to very serious difficulties involving the Government of the United States in interference between the belligerents or at least the highly irritated parties in the States.

I believe that is a good provision of law. It has worked in the government of Hawaii and has really suppressed those controversies which have arisen so frequently in the States, where a political majority could unseat a man for the mere purpose of gaining a majority in either house in order to carry out some other distinct purposes, such as the election of a Senator of the United States. Pretty nearly all these controversies we have had in the United States have related to the election of Senators to this body. I think that is a sound and wise provision of law, and that it would be a good thing and a wise thing in the constitution of every State in this Union. It would promote the peace of the country and its security against those political controversies which arise in the legislatures of the States, and have reference, as I have observed, chiefly to the election of Senators of the United States. It is as follows:

SEC. 15. That in case any election to a seat in either house is disputed and legally contested, the supreme court of the Territory of Hawaii shall be the sole judge of whether or not a legal election for such seat has been held; and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

The contrary provision was put into the Constitution of the United States, and has been followed, I think, without any particular reason or necessity for it, by the different States of the American Union. It was originally adopted in England for the

purpose of preventing the Crown from having the power to unseat members of Parliament, so as to give to the House of Commons the power to determine its own membership. When we arrived at the proposition here to set up an independent government, those provisions were in almost all of the old continental constitutions, or, as we called them, charters; and they were incorporated in the Constitution of the United States. I have no disposition to change the provision that each House of the Congress of the United States shall be the sole and exclusive judge of the elections, returns, and qualifications of its own membership; but at the same time, when we come to the subordinate tribunals in this great imperial affair we have got here, republics united into a confederation, I think it is a wise thing to have the provision that is inserted in the fifteenth section of this bill. If it goes out, I do not know that it would ever make any difference in Hawaii or that it would in Alabama or in any other State of the Union, but I believe the principle of it is correct.

Mr. SPOONER. Mr. President, I move to strike out the fifteenth section of the bill and to insert in lieu of it:

Each house shall be the judge of the elections, returns, and qualifications of its own members.

I have listened to the statement of the Senator from Alabama [Mr. MORGAN], but I can not persuade myself that this departure from our theory in this instance, or in any other, as to the government of a Territory is a wise one. Our theory has been that the various departments of the Government should be independent of each other—the executive, the judicial, and the legislative—each, of course, being supreme within its own sphere. I am too old-fashioned to like the proposition that the courts shall become involved in any way in the constitution of the legislative bodies. This is a very small senate provided for here, a senate of thirteen, if I recollect.

Mr. MORGAN. Fifteen.

Mr. SPOONER. Fifteen. Under the provisions of this bill the chief justice and the two associate justices who constitute the supreme court are not to be appointed by the President of the United States. They are to be chosen over there; and they are impeachable. They are not to be removed by the President of the United States, but they are subject to impeachment. They are subject to impeachment before the senate. The senate is the impeaching body or tribunal. The house of representatives, of course, presents the articles of impeachment. I do not myself take kindly to the notion that the judges of the supreme court, who may be tried, one or more of them, should be given power to decide who should be or who should not be, in a contest, members of the senate. Under this it might happen, perhaps it is not probable, but it might happen, that the leading members of the senate at least would owe their seats in that body to a decision of the supreme court. The supreme court are not only to pass upon the validity of the election, but they are also to be the sole judge as to who has been elected.

I believe it is a bad provision. It is utterly out of harmony with our theory. It does not maintain the independence absolutely of the three departments of the government, and no reason has been given, at least none that I have heard, which ought, I think, to commend it to the judgment of the Senate. If that is an intelligent people, as the Senator says it is, if they have not only capacity for self-government, but for a fine government, I can conceive of no reason why each house should not be, as the houses here all are, from the Congress down, the judges of the election, returns, and qualifications of their own members. It seems to me to be rather a vicious departure from our theory that the judges who are to be tried by a senate should have had a voice in seating the members of that body. I am willing to take the judgment of the Senate upon it.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Wisconsin.

The SECRETARY. It is proposed, on page 9, line 17, to strike out section 15, as follows:

SUPREME COURT JUDGE OF QUALIFICATIONS OF MEMBERS.

SEC. 15. That in case any election to a seat in either house is disputed and legally contested, the supreme court of the Territory of Hawaii shall be the sole judge of whether or not a legal election for such seat has been held; and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

And in lieu thereof to insert:

SEC. 15. Each house shall be the judge of the elections, returns, and qualifications of its own members.

The amendment was agreed to.

Mr. CLARK of Wyoming. I propose, as an amendment, to strike out all of section 56 and insert in lieu thereof:

That the legislature at its first session shall create counties for the Territory of Hawaii and provide for the government thereof.

Mr. HALE. What section?

Mr. CLARK of Wyoming. Section 56.

I will say in explanation of the amendment that a very peculiar condition of affairs exists within the republic of Hawaii. There is there a central government, consisting of a president and his cabinet. There are no municipalities. There are no county organizations. There is no place, as I understand—and if I am wrong I hope I will be corrected—in the island of Hawaii where even a deed, or a mortgage, or a bill of sale, or any other legal instrument can receive registry except at the city of Honolulu.

Mr. MORGAN. I think the Senator is mistaken about that. There are registrars in all the islands.

Mr. CLARK of Wyoming. Are there registrars in the islands who have the authority to register and keep records?

Mr. MORGAN. I so understand.

Mr. CLARK of Wyoming. I do not so understand it. If I am mistaken, I should be glad if the Senator will correct me, because that is the sole object of this amendment, so that the people may have access to the records.

Mr. TILLMAN. Do you not provide for local punishment by local courts?

Mr. CLARK of Wyoming. There are local courts. There are circuit courts—five of them.

Mr. TILLMAN. What about warrants?

Mr. CLARK of Wyoming. I suppose they have means to get those, but what I refer to is the registration of deeds. There should be counties created there, so that within each county there would be a county clerk and register of deeds.

Mr. TILLMAN. And a sheriff.

Mr. CLARK of Wyoming. Yes; whatever form of government they may provide, so that the Senator from South Carolina, for instance, if he lived on the island of Hawaii and wanted to register a deed, would not be compelled to put it off four or five days till he could take a vessel and go over to the city of Honolulu, on the island of Oahu.

The PRESIDENT pro tempore. The Senator from Wyoming proposes an amendment, which will be stated.

The SECRETARY. On page 23, section 56, line 10, after the word "legislature," it is proposed to strike out "may" and insert "shall at its first session;" and after the word "counties," to strike out "and town and city municipalities;" so that if amended the section would read:

SEC. 56. That the legislature shall at its first session create counties within the Territory of Hawaii and provide for the government thereof.

Mr. PLATT of Connecticut. I was called out for a moment. Does the Senator from Wyoming by his amendment propose to prevent the legislature from creating municipal governments there?

Mr. CLARK of Wyoming. No; I suppose they have the right to do that by virtue of their being a legislative power. The only object I had in view was that they should at least create the county governments at their first session.

Mr. SPOONER. As it is now it is only permissive.

Mr. CLARK of Wyoming. As it is now it is only permissive. They might go on as they are at the present time. Every State and every Territory here has county governments.

Mr. MORGAN. Mr. President, it is probably necessary to confer upon the legislature of Hawaii the power to create counties, because that is a part of the organic government there which would naturally come under the jurisdiction of Congress to grant. Permission is therefore put into the proposed act to enable them to organize counties. I confess I have never heard any complaint made of the operation of the laws of Hawaii, as they are, about the registration of deeds or anything of that kind; but the subject came up before the commission and was discussed there, and my understanding is, although I may be in error about it, for I have not the statutes here and can not refer to them, that a registration system is provided in each county.

Mr. CLARK of Wyoming. There are no counties.

Mr. MORGAN. I mean in each island, and that it is connected with the district court of the respective districts. I will explain in a moment what the system there is.

Mr. SPOONER. Will the Senator from Alabama permit me to ask him a question as he goes along?

Mr. MORGAN. Certainly.

Mr. SPOONER. Have there ever been counties there?

Mr. MORGAN. No. The entire group of islands is governed by the legislature, of course, from Honolulu, and that has led to some jealousy, particularly on the part of Hawaii, which is the largest island and the richest in the group. The town of Hilo is an aspiring town, and some of these days will be an important place. They have a very good anchorage in front, and there is a great deal around it to give promise of great success as a town.

I have no doubt the legislature will organize counties there and they will probably do it at the first session, but to do that they have to reorganize a great deal of the administrative system of the islands of Hawaii. For instance, they have no magistrates, no justices of the peace, in Hawaii. The district judge has all the jurisdiction and functions that we give to a justice of the peace and certain larger ones. I forget the number of districts. There are some ten or twelve, perhaps fifteen, in the islands. Sometimes two islands are put into one district. Those courts, as I understand, are courts of record and have the power to accept

the registration of deeds. In that I may be mistaken, but I think not.

Now, in regard to the sheriff, there is a head sheriff, we call him in the proposed act a high sheriff, who has under his jurisdiction a number of deputy sheriffs, or sheriffs of the different judicial districts in the islands. There is a sheriff for each judicial district, and so there is a clerk for each of these district courts and clerks for the circuit courts and a clerk for the supreme court. The clerk of the supreme court has the clerks of the circuit courts and the district courts under his jurisdiction, not as to appointment, but as to keeping up the functions and dispatching the business of his office. The system in regard to sheriffs was found to be very valuable indeed, because the sheriff has a right under the order of the high sheriff to summon a posse comitatus whenever it is necessary in any part of the islands.

The whole force of the sheriff's office in the islands can be brought to bear at once upon any particular part of those islands, and sometimes it has been found absolutely essential for the safety of property and life that it should be done, especially in the quarrels that are continually fomented and are sometimes exceedingly bitter and fierce between the Japanese and the Chinese and sometimes the Portuguese. That is part of the police establishment. The sheriff's office is a very important one for the preservation of the peace. When this system is all disrupted and counties established, of course there must be a sheriff for each county, and this unity of power, which, up to the present time, has been effective in preserving peace and order in Hawaii will be broken up.

I think we had better go a little slow about this and not force them at the first session of the legislature to take upon themselves the organization of the counties. The first session of the legislature in Hawaii will have a great deal to do. Its time is limited. It will require a very able and very industrious body of men in that first session of the legislature to provide for all the wants of the islands. Here, for instance, is the bubonic plague, which is already upon the islands, and which has cost them an expenditure of some hundreds of thousands of dollars and has resulted in the exhibition for the second time or the third time of the very highest efficiency in the preservation of the health of the islands. No people have had greater danger to contend with, and none have met it with more resolution or more perfect dedication to the public welfare, than the people of Hawaii. I have a letter on my table here now from a lady in Hawaii, who was then with her husband on guard for the purpose of protecting the country against the spread of bubonic plague, which was brought in there on ships from China.

The whole system of administration in Hawaii will be changed whenever counties are established, and there will be a great multiplication of offices and a great addition to the expense of Hawaii. Up to the present time it has been, and according to the estimates of this commission, for all time to come Hawaii will be a self-sustaining community. Although it gives up entirely its revenues on imports, or will do so whenever this bill is passed, it is still a self-sustaining community; and I must say that I think the burdens of taxation in Hawaii seem to rest as lightly upon those people as any country I was ever in. There is no complaint of any taxation in Hawaii. I saw no evil effects of the pressure of government upon those people. On the contrary, they are a happy, decent, well-ordered, cleanly, nice-appearing people.

I do not remember ever to have seen a patch on the garment of a Hawaiian, great or small, and I do not remember to have seen one whose clothes were out of order, except a workman employed about a ditch or furnace, or something of that sort. I do not remember ever to have seen a beggar there. I am satisfied there is not one in the islands. They are all cared for. There are no exhibitions of persons in pauperism or in distress on the streets of the islands, and everybody there seems to be prosperous, and, as far as I could judge, everybody seemed to be happy. The burdens of government, therefore, are not heavy upon those people, and they are perfectly self-sustaining and will be self-sustaining. Those are very fertile islands; there is great prosperity in all industries, and there is a great invitation for new industries to go there, and a great influx of population has gone there. I think there have been thirty or forty thousand people added to the population of Hawaii since the act of annexation.

Under these circumstances I think we ought not, for the purpose of getting deeds registered, if they are not authorized now to be registered, to compel them at the first session to organize into counties and take upon themselves the payment of a very large additional number of officers, with, of course, an increase of taxation. I think we had better be indulgent with those people and let them work their way. I am sure, Mr. President, there is not a State in the American Union whose people have shown a higher degree of patriotism than the people of Hawaii have shown. They have had the entertainment of our soldiers as they passed over to the Philippines, and all stopped there—nearly every soldier who ever went there. I myself have attended feasts laid out by the people of Hawaii, at which a king might be pleased to sit down, where three or four thousand soldiers were assembled at one time and fed entirely by the kindness and hospitality of the people of Hawaii. So I think it is not necessary to crowd them at all. They are a wise, generous, and just people, and their institutions and their success in government show it.

I think we had better leave this matter as it is, so that the legislature shall have the authority and the power to organize counties, but not force it upon them immediately. The necessity is not great enough to undertake such a radical scheme of legislation.

Mr. SPOONER. A county government and county officers mean a pretty large burden of expense.

Mr. MORGAN. Yes; very large.

Mr. CLARK of Wyoming. Mr. President, I have the highest regard for the extensive observation that was made by the Senator from Alabama [Mr. MORGAN] during his two visits to those islands, but I think perhaps he fails to comprehend some of the conditions there. I myself have spent three months in those islands during the past year, making two visits. Perhaps twenty days of that time were spent in the city of Honolulu. The entire remainder of the time was spent among the people for whom the Senator has such genuine affection. Some of his remarks would lead me to believe that he thought, possibly, I had not the welfare of that people at heart.

Mr. MORGAN. Oh, no; not by any means.

Mr. CLARK of Wyoming. What I desire to do more than anything else by the passage of this bill is to assist the Hawaiian people to form a government that shall be best adapted for them and shall meet their needs.

The Senator says he heard no complaint of lack of registration facilities. I heard it in hundreds of places where I went, both from those who are selling and those who are buying. The Senator knows very well that the apportionment for the legislature as made by this bill puts the legislature into the hands of those who would want few if any places of registration other than Honolulu. I am fearful that if the simple authority is given in the bill and nothing commanding the legislature to take this action, it will be many, many years before it is taken. I think that Territory should be compelled, as the Territories of the United States and the States of the United States do, to divide the Territory into counties, that shall be as convenient to the inhabitants thereof as may be.

Now, it is true that a large part of the transfers on the islands are made on the island of Oahu, upon which Honolulu is situated, but it will not be many years, as perhaps it is even now, when the transfers on the island of Hawaii equal it. Those people, who are divided by straits, divided by the ocean, 300 miles away, should not be compelled to take a trip to Honolulu or take the time to send the papers to Honolulu. The Senator from Alabama says the burden of taxation there is very light. That is one of the reasons why they can afford to assume this expense. My recollection is that the rate of taxation in the entire islands is about 1 per cent—less, perhaps, than in any county or State or Territory in this Union. They can very well afford, then, with the $2,000,000 which they now have in their treasury to bear this additional expense, if there be any.

I hope this motion will prevail. I do not care about the special language of the amendment. I am willing to insert "at the first regular session of the legislature" or anything else that will make it mandatory on the Territorial government and the legislature to create counties.

Mr. CULLOM. I happened to be out of the Chamber when the amendment was offered, and I should like to have it read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wyoming will again be stated.

The SECRETARY. It is proposed to amend section 56, on page 23, in line 10, after the word "legislature," by striking out the word "may" and inserting "shall at its first session," and after the word "counties," by striking out the words "and town and city municipalities;" so as to read:

That the legislature shall at its first session create counties within the Territory of Hawaii and provide for the government thereof.

Mr. CULLOM. I do not suppose the Senator from Wyoming desires to strike out that portion which allows the legislature to create towns and cities?

Mr. CLARK of Wyoming. No, indeed; I want to avoid compelling them to do it.

Mr. CULLOM. You strike it all out, apparently, according to that amendment.

Mr. CLARK of Wyoming. That is not what I intended.

Mr. CULLOM. So far as I am concerned, I know something about the importance of creating counties with offices for records, especially on the Hawaiian Islands. If the language is to remain as it is, I think the words "at their first regular session" would do exactly what this provision intimates ought to be done. Personally I have no objection to striking out the word "may" and inserting "shall at its first regular session create counties."

Mr. CLARK of Wyoming. I will modify the amendment, if

the Senator will allow me, so that I think it will meet all his objections. It will then read:

That the legislature at its first regular session shall create counties, and may, from time to time, create town and city municipalities within the Territory of Hawaii and provide for the government thereof.

Mr. CULLOM. I myself have no objection to that. I think it is tolerably important that the people of the island of Hawaii, on which the town of Hilo is located, shall have some records there, so that they will not be required to go to the island of Oahu or to the city of Honolulu, taking a day by water, in order to record deeds or transact such business as the people of every county have to transact. I have no objection to the amendment as the Senator now proposes it.

The PRESIDENT pro tempore. The Secretary will state the amendment of the Senator from Wyoming as proposed to be modified.

The SECRETARY. In section 56, page 23, line 10, after the word "legislature," it is proposed to strike out "may" and insert "at its first regular session shall," and before the word "town," in line 11, to insert "may from time to time;" so that if amended the section will read:

SEC. 56. That the legislature at its first regular session shall create counties, and may, from time to time, create town and city municipalities within the Territory of Hawaii and provide for the government thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wyoming as modified.

The amendment was agreed to.

Mr. CLARK of Wyoming. I should like to ask if any amendment was offered or adopted or rejected yesterday to section 75. The matter was up for discussion, but I think it was not determined.

Mr. CULLOM. There has been no amendment to that section.

The PRESIDENT pro tempore. The Chair is informed that no amendment was made to that section.

Mr. CLARK of Wyoming. I desire to offer an amendment to section 75.

I regret, Mr. President, that I feel compelled to propose this amendment. I believe it is right. It is with no desire to interfere with the passage of the bill or the object of the committee. I think it will cover two sections. The section provides that an amount shall be appropriated to allow the Secretary of Agriculture to investigate the laws of Hawaii relating to public lands, agriculture, and forestry. Now, so far as agriculture and forestry are concerned, I think it quite proper that the Secretary of Agriculture should have that investigation under his charge, but so far as the laws relating to the public lands are concerned, which is going to be the great question in that country, a question which is going to be harder to solve than the labor question, they ought to be investigated by the department of the Government which is especially charged with the administration of the land laws. It seems to me that the only proper way is for the investigation, if any, into the land laws of Hawaii to be made under the Land Department of our Government. This section, perhaps, might be divided, so that two investigations should be had.

What I want is that the lands of Hawaii, which constitute and will constitute the greatest problem over there, will be, if they are to be investigated, should be investigated under the department of Government which should have and will have the administration of those laws afterwards and has in every other Territory.

Mr. CULLOM. I did not quite understand the amendment of the Senator from Wyoming. If the Senator simply proposes for the present that the Secretary of the Interior instead of the Secretary of Agriculture shall make the investigation, and stops there, I have no objection to his amendment.

Mr. CLARK of Wyoming. That is all I care for.

Mr. CULLOM. But I do not desire that we shall adopt a land system for those islands until we know more about them.

Mr. CLARK of Wyoming. That is all I want.

Mr. CULLOM. The fact is that surveys such as we have in this country are not applicable to the conditions over there, as the Senator knows.

Mr. CLARK of Wyoming. That is right.

Mr. CULLOM. I have no particular concern as to who makes the examination, but I do object to anything beyond that being done at the present time.

Mr. CLARK of Wyoming. I have no desire to do anything else, but I think the Senator is a little hasty, perhaps, in saying the Secretary of the Interior should make the entire investigation in respect of those lands, because the investigation includes matters relating to agriculture and forestry, which, I think, properly come under the Secretary of Agriculture.

Mr. CULLOM. So do I. What I mean to say is that, so far as concerns the condition of the islands as to the present surveys and the policy to be pursued with reference to surveys hereafter, I should be willing to let the Secretary of the Interior control that question and make the report.

Mr. CLARK of Wyoming. And of course when the Senator speaks of surveys he means the survey and disposition of public lands.

Mr. CULLOM. Of course.

Mr. CLARK of Wyoming. That is all that the amendment is intended to cover.

Mr. CULLOM. Now, let us see what the amendment is as offered.

Mr. TELLER. I suggest to the Senator from Wyoming that he should strike out all about agriculture and let the inquiry pertain simply to public lands and forestry. I do not see that there is any objection, inasmuch as the Secretary of the Interior has control over the forest reservations, but he might strike out agriculture and forestry both, if he wants, and let it be simply an inquiry. I do not think we need to institute two inquiries of this character just now.

Mr. CLARK of Wyoming. I will say further to the Senator, by way of apology, that one reason why I offered the amendment was because I believed that the investigation in regard to the lands should be made immediately, while possibly the other investigation might have remained.

Mr. CULLOM. I think that is right.

The PRESIDENT pro tempore. The Senator from Wyoming has not yet offered any amendment.

Mr. CLARK of Wyoming. I will offer the amendment to section 75. At the end of lines 17 and 18 I move to strike out the word "Agriculture" and insert the words "the Interior."

Mr. TELLER. I think I would strike out "agriculture, and forestry" wherever it occurs. In line 19 strike out the words "agriculture, and forestry," and in line 20 strike out "forests, agriculture."

Mr. CULLOM. "And public roads," too. I do not see that the Secretary of the Interior has anything to do with that.

Mr. TELLER. Strike out, in line 20, "forests, agriculture, and public roads."

Mr. CLARK of Wyoming. Then my amendment will be to strike out, in lines 17 and 18, the word "Agriculture" and insert "the Interior;" and in line 19, to strike out "agriculture, and forestry;" and in lines 20, 21, and 22, to strike out the words "forests, agriculture, and public roads, bearing upon the prosperity of the Territory."

Mr. TILLMAN. Before that amendment is put, I wish to suggest to the Senator from Wyoming that the information sought here is as to the character of the lands there, both the public domain and all the other, especially that left in charge of the Government. Now, if the Secretary of the Interior is charged with that survey and he undertakes to do it, they will simply give you the area, whether it is woods, or mountains, or valley land; whereas if left in charge of the Agricultural Department it is more than likely we will get some facts as regards the products that are grown on similar lands and we will get some facts as to the agricultural possibilities there.

Mr. CLARK of Wyoming. I will say to the Senator, if he will allow me, that he may not be fully familiar with the manner in which the Interior Department conducts its surveys. This does not provide for any survey or anything of that sort, I will say to the Senator. It simply is to be an investigation. When the Secretary of the Interior makes public-land surveys those facts exactly are stated.

Mr. TILLMAN. You do not propose under a $15,000 appropriation to expect a survey of all those islands?

Mr. CLARK of Wyoming. I do not expect any survey at all.

Mr. TILLMAN. You want a reconnoissance, so to speak.

Mr. CLARK of Wyoming. It is simply to gain information.

Mr. TILLMAN. Would the Secretary of the Interior give it to us better than the Secretary of Agriculture?

Mr. CLARK of Wyoming. Certainly, because under the Secretary of the Interior it has been the special duty of that Department, and is now, to have supervision over all the public lands of the United States and over all the surveys of the United States except the geological and the coast surveys. That is the Department which is especially charged not only with the administration, but with the recommendation of all laws that are passed by Congress relative to the public lands.

Mr. TILLMAN. Of course, I understand that, but the question is whether this special work, which seems to be to obtain information in regard to the agricultural possibilities of that country, can be better done through the Department of the Interior than the Department of Agriculture.

Mr. CULLOM. That part is to be stricken out.

Mr. TILLMAN. But the provision as you presented it in the original bill provided that this survey or reconnoissance should be under the Department of Agriculture.

Mr. CULLOM. That is true.

Mr. TILLMAN. And I can not see any reason why you should change it.

Mr. CLARK of Wyoming. Because the Department of Agri-

culture has no jurisdiction whatever, and never has had, over the public lands of the United States.

Mr. TILLMAN. I understand that.

Mr. CLARK of Wyoming. If the Senator will read my amendment, or have it read from the desk, he will find that it refers only to the public-land laws of Hawaii and an investigation into them, with certain recommendations to be made as to what laws of ours should be applied there; and it contemplates, not in words but in that report, the formation of some system of laws by which we can deal with those lands. It does not propose surveys.

Mr. TILLMAN. As I gather the meaning of the clause as it was in the bill, it provided for a kind of reconnoissance which would give us some definite information as to what kind of land the public domain there consists of.

Mr. CULLOM. That was the meaning of the provision.

Mr. TILLMAN. And now the Senator from Wyoming is providing for a survey or reconnoissance by the Land Office here for an entirely different purpose.

Mr. CLARK of Wyoming. The amendment provides for one of the purposes, I will state to the Senator, that was provided by the committee bill. It leaves out some of the others, and is for one particular purpose.

Mr. TILLMAN. It seems to me that the disposition of these lands in the future might well be left to the Land Office here, and they might, therefore, investigate the land laws of Hawaii and provide some scheme by which those lands should be open for preemption or homesteads or whatever other method of disposition may be determined.

Mr. CLARK of Wyoming. Yes, sir; and that is exactly what my amendment proposes to do.

Mr. TILLMAN. I know, but I want the other information as to what those lands are fit for.

Mr. CLARK of Wyoming. That may neither be the Secretary of Agriculture nor any other person——

Mr. SPOONER. If the Senator from Wyoming will permit me, why not draw an amendment which will cover both?

Mr. TILLMAN. Let both do it. Let the Secretary of Agriculture, who deals with agriculture and is supposed to know something about farming, being a farmer himself, send over there and tell us what kind of lands those are and what kind of farm products they produce, and let the land laws governing the disposition of those lands be in charge of the Secretary of the Interior.

Mr. CLARK of Wyoming. I have no objection to that.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. The Chair is uncertain as to who has the floor.

Mr. CULLOM. I do not know; we all have it, apparently.

Mr. FORAKER. Mr. President——

Mr. CULLOM. I want to say a word about the amendment.

Mr. FORAKER. Allow me to suggest to the Senator, who wants information about agriculture and forestry, that this bill provides for a commissioner of agriculture as one of the officers of Hawaii in the government to be established there, and it seems to me we ought to be able to get from him all the information that it is necessary to have to enable us to know what those lands are worth or what they can be used for.

Mr. TILLMAN. The only trouble I have in this matter is in trusting everything to the Hawaiians. They are a very enlightened and educated people, so the Senator from Alabama [Mr. MORGAN] tells us; but still they are not thought worthy to manage their own affairs, and we have limitations as to property in voting there and other conditions which point to the creation or maintenance of an existing condition in the happy family over there. They do not want to be disturbed by outside interlopers. I think it is very well for the United States to have some say-so in this business and send somebody over there from here who will report back the facts. But this change does not propose to give us the facts. The Senator from Ohio tells us that this commissioner of agriculture of Hawaii will give us the facts here. Why, some of our people might want to emigrate over there and not have all these good things left in charge of the little coterie of capitalists who have gone over there and preempted and taken everything that is good in sight.

Mr. FORAKER. I have no objection to the Secretary of Agriculture being authorized by the bill to make investigation and report, but I supposed that we should rely upon the commissioner of agriculture to be appointed as a part of this governing affair, to give us all the information that the Senator wanted. I was only suggesting it to save time and avoid further amendment.

Mr. MORGAN. Mr. President, I think Senators have entirely mistaken the purport of the seventy-fifth section. No one has referred to what it ought to be or what it really is, except the remark of the Senator from South Carolina, that our people need information upon this question. There is a disposition among small farmers, laboring men, to emigrate to Hawaii, and they could do exceedingly well by going there and cultivating a small farm in coffee and make very large profits. It is quite a beautiful industry and a very convenient one in every respect. It occurred to the commission that the situation in Hawaii was very difficult to be understood by a person who had never seen it and who had never seen an accurate and official report about it. So this provision was put in here for the purpose of enabling the Secretary of Agriculture to do what? "To examine the laws of Hawaii relating to public lands, agriculture, and forestry"—for there are laws relating to all of them—"the proceedings thereunder and all matters relating to public lands, forests, agriculture, and public roads bearing upon the prosperity of the Territory, and to report thereon to the President of the United States, which duties shall be performed with all convenient speed." That is all of it. It is to get a report of a certain situation or state of facts there relating to agriculture, the laws upon the disposal of the public lands, forestry, and public roads.

Public roads is perhaps one of the most important of the elements of investigation that are presented here, for the reason that until you have built a road through one of those forests you can not establish coffee plantations or any other kind of plantations, bananas or anything of that kind, all of which are very profitable, because you can not get your wagons and teams into the vicinity of the land. Hawaii herself has demonstrated the value of this by building the road which I referred to yesterday, from Hilo to the volcano of Kilauea, and various other public roads in Hawaii. As fast as the roads have been built, coffee plantations and other plantations of small area have been established on either side.

Now, why do we select the Secretary of Agriculture? Because agriculture is the only pursuit in Hawaii. Outside of fishing there is no other pursuit in Hawaii but agriculture, and none possible. There are no minerals there. There is not enough wood there to make it an object to run steam machinery, and agriculture is the whole story in regard to the present and future prosperity of Hawaii.

I must confess that so far as I was personally concerned my attention was drawn to this subject and the necessity of having this report made by the Secretary of Agriculture because he is a man for whose ability and enterprise and industry and scientific knowledge I have the greatest possible respect. He would love to undertake a matter of this kind and have it carried through in a proper way; and when he made his report, Congress and the people also would understand exactly what the situation was.

Now, this is merely to get information. Can it make a matter of very great difference as to whether it is done by the Secretary of Agriculture or the Secretary of the Interior, except that the Secretary of Agriculture is to deal with the most important part of it? We are not undertaking to find out what changes ought to be made in the laws of Hawaii as to land, but to understand what they are, what the system is, how a man can go and make an entry, and the methods through which he can get possession.

Mr. TILLMAN. If the Senator from Alabama will permit me, can not that investigation be made right here on the spot by the Secretary of the Interior or the Commissioner of the General Land Office, and all the information be obtained that we can obtain in Hawaii? What we want is an investigation by trained farmers and agriculturists—men who are familiar with that business—as to the possibilities of those lands. The laws and the method of the disposition of the lands can be found out right here in Washington. If we just call on the Secretary of the Interior to report to Congress the present laws in regard to public lands in Hawaii and what change, if any, he suggests and the disposition of those lands, we can get it without a dollar being expended.

Mr. CLARK of Wyoming. If the Senator had ever been to Hawaii, he would know that nobody could ever suggest a sensible change in those laws unless he had gone there and investigated the matter.

Mr. TILLMAN. So I am confronted with a man who has been on the ground and says he knows something about it. I am willing always to yield to that kind of wisdom.

Mr. CLARK of Wyoming. I do not know anything about it, and that is the reason why I want the information.

The PRESIDENT pro tempore. The Senator from Alabama is entitled to the floor.

Mr. MORGAN. I concur in the proposition that it is necessary, in order to have this investigation complete and really reliable, that an investigator should be appointed to go there and examine that country. It is not like any other country that I ever saw, and I do not believe it is like any other country in the world. It may be, but it is very peculiar. To group all the different items together is to constitute the picture that people want to see. They want to know, so far as they can ascertain it, what Hawaii is, from a careful investigation of what the lands are—that is to say, the elevation above the sea, which is an important matter, because you start at the level of the sea there and for 4 or 5 miles or for 6 or 7 miles out you have rice farms and sugar estates. Then, as you ascend on the mountain slopes you come to a coffee country. You can still go higher and you come to a corn and wheat country—a country that in the early settlement of California furnished flour

for the Californians, as well as education for their children, when the gold diggers went out to California.

When you get still above that you have got a grazing country. When you get still above that you have got a country that abounds in berries and ground fruits, such as raspberries, strawberries, and huckleberries, and the like of that, and a number of konahberries and various kinds of very delicious fruits that grow spontaneously on the earth. So, as you ascend to a height of 15,000 feet, in some places, you have several latitudes in the different altitudes producing different kinds of crops.

Well, I can say that it would take an expert agriculturist to examine into this subject and present to the people the facts that would induce them to go there and raise sugar, bananas, rice, wheat, corn, melons. Fruits, of course, of various kinds grow all the year through. The ohia apple is wild there and grows on a tree as large as an ordinary oak. It bears a delicious apple and is in great abundance all through the country. There are many other fruits that grow spontaneously in the country, such as oranges, lemons, and limes. It is a country which abounds in fruits.

I think our people would like to know exactly the situation there, and I think Congress would like to know it, because when propositions are brought in here for the disposal of the public lands, when we have to enact laws to dispose of those public lands, we want to know what is the best system on which to proceed; whether the gridiron system of rectangular surveys which obtains here or surveys that accommodate themselves to the particular business in hand. An area of land that is sufficient for a coffee plantation would not be enough, for instance, for a wheat farmer or a corn farmer. But all of these particulars are of such a peculiar character that it occurred to the committee that it was better to have the Agricultural Department take charge of it than the Interior Department, which would deal with nothing, as has been observed here, but the land and perhaps something about its quality and the method of survey and disposal. That is the whole matter.

Mr. TELLER. Mr. President, it seems to me that all this matter touching the land laws ought to be left to the Interior Department. We can not afford to begin to divide up these questions in different Departments. Unless we are disposed to turn over the lands to the Agricultural Department all these things ought to be left to the Secretary of the Interior.

Then, I suggest, if I may be allowed, to the Senator who has just taken his seat, who knows all about this subject, if he will draft a provision that will cover his suggestion, I shall be very glad to vote for it, and let that go to the Secretary of Agriculture and let him do those things which he can do. Let us confine the question of the laws to the proper Department, and it certainly will be proper then to turn over those questions of the character of the lands and the products that the country will raise and all that to the Secretary of Agriculture.

I believe if the Senator will draft by to-morrow morning a provision of that kind, there will be no trouble about adopting it. There is money enough here, because, as the Senator from South Carolina says, the work of the Secretary of the Interior can be practically done here so far as the law is concerned, and then the Secretary of Agriculture can carry out the other idea on the ground.

Mr. CULLOM. I merely want to say in connection with the Senator's remark that it is very important that the Secretary of Agriculture should report on the condition of those islands, the possibilities of the land.

Mr. TELLER. That is exactly what I want him to do; but I do not want him to invade the province of the Secretary of the Interior.

Mr. CULLOM. The Secretary of the Interior ought to look into the question of how the best interests of agriculture can be served by dividing those lands, parceling them out so as to suit the conditions of agriculture. If a man wants to raise coffee or if he wants to raise taro he has got to have an opportunity of selecting coffee or taro land, if you please. I think it would be proper and right for the Secretary of Agriculture to look into the condition of the surveys over there and determine whether they are made in harmony with the necessities of agriculture.

Mr. TELLER. That is exactly what I think the Secretary of Agriculture may properly do. But I think whenever this land is to be surveyed, if we are to survey it, it will have to be surveyed under the direction of the Secretary of the Interior.

Mr. CULLOM. I myself think so.

Mr. TELLER. And the Interior Department will avail itself of the information. Now, we shall have to survey that country on the rectangular system unless we should find, when the report comes in, that the character of the country is such that we must introduce a different system and cut up the country into smaller lots, 40 acres being the smallest subdivision of the Government surveys. I learn that 20 acres there is a very respectable farm, in some places. In some places you might need a hundred.

Mr. CULLOM. And 2 acres make a respectable patch or farm for a native, for instance, who is raising taro. That would be all he would want and no more.

Mr. TELLER. I am sure if we confine the legal question and those things to the Interior Department and turn the other things over to the other Department we shall get at it in better shape than if we were to have either Department do it alone.

Mr. CULLOM. After this discussion with the Senator from Colorado, it is left to the Senator from Alabama to prepare an amendment.

Mr. PLATT of Connecticut. Some Senators desire an executive session and there are some amendments to be proposed to the bill which will take some time in discussion. The Senator from Alabama is to prepare an amendment on the subject which he has just been discussing. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 21, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1900.

SURVEYOR OF CUSTOMS.

William Vincent, of Illinois, to be surveyor of customs for the port of Galena, in the State of Illinois, to succeed Richard S. Bostwick, resigned.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Puerto Rico Regiment.

Maj. James A. Buchanan, Fifteenth United States Infantry, to be lieutenant-colonel Puerto Rico Regiment, United States Volunteer Infantry, February 19, 1900, to fill an original vacancy.

SECOND LIEUTENANTS IN THE UNITED STATES MARINE CORPS.

Yandell Foote, of California.
C. T. Wescott, jr., of Maryland.
Sidney W. Brewster, of Michigan.
Paul E. Chamberlin, of Virginia.
Douglas C. McDougal, of California.
Albert N. Brunzell, of Idaho.
Presley M. Rixey, of Virginia.
T. Edward Backstrom, of Mississippi.

ASSISTANT PAYMASTER IN THE NAVY.

Ray Spear, a citizen of Washington, to be an assistant paymaster in the Navy, from the 19th day of February, 1900, to fill a vacancy existing in that grade.

COLONEL IN MARINE CORPS.

Lieut. Col. William S. Muse, to be a colonel in the United States Marine Corps, from the 31st day of January, 1900, vice Col. Charles F. Williams, deceased.

WITHDRAWAL.

Executive nomination withdrawn February 20, 1900.

Alva Ross, to be postmaster at Virden, in the State of Illinois.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1900.

CIRCUIT JUDGE.

Henry F. Severens, of Michigan, to be United States circuit judge for the Sixth judicial circuit.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Capt. David L. Brainard, commissary of subsistence, to be commissary of subsistence with the rank of major, February 12, 1900.

Corps of Engineers.

Maj. William S. Stanton, Corps of Engineers, to be lieutenant-colonel, February 7, 1900.

Capt. George W. Goethals, Corps of Engineers, to be major, February 7, 1900.

First Lieut. Charles Keller, Corps of Engineers, to be captain, February 7, 1900.

Second Lieut. Frank C. Boggs, jr., Corps of Engineers, to be first lieutenant, February 7, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY—THIRTY-SIXTH INFANTRY.

To be second lieutenants.

Battalion Sergt. Maj. John M. Craig, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

First Sergt. Israel F. Costello, Company K, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

Sergt. John A. Huntsman, Company E, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

Q. M. Sergt. George F. Young, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

Sergt. Maj. George J. Oden, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

PROMOTIONS IN THE VOLUNTEER ARMY.

Twenty-seventh Infantry.

Lieut. Col. Albert S. Cummins, Twenty-seventh Infantry, to be colonel, February 4, 1900.

Maj. George L. Byram, Twenty-seventh Infantry, to be lieutenant-colonel, February 4, 1900.

Capt. Louis C. Scherer, Twenty-seventh Infantry, to be major, February 4, 1900.

First Lieut. Zan F. Collett, Twenty-seventh Infantry, to be captain, February 4, 1900.

Second Lieut. Richard H. Brewer, Twenty-seventh Infantry, to be first lieutenant, February 4, 1900.

Thirty-sixth Infantry.

Second Lieut. Edward McGowan, Thirty-sixth Infantry, United States Volunteers, to be first lieutenant, February 7, 1900.

COMMISSIONERS TO INTERNATIONAL EXPOSITION.

William G. Thompson, of Michigan, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

William M. Thornton, of Virginia, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Arthur E. Valois, of New York, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Henry M. Putney, of New Hampshire, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Alvin H. Sanders, of Illinois, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Louis Stern, of New York, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Calvin Manning, of Iowa, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Franklin Murphy, of New Jersey, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Henry A. Parr, of Maryland, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

William L. Elkins, of Pennsylvania, to be a commissioner of the United States to the international Exposition to be held at Paris in the year 1900.

Ogden H. Fethers, of Wisconsin, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Peter Jansen, of Nebraska, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Brutus J. Clay, of Kentucky, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Charles A. Collier, of Georgia, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Michael H. De Young, of California, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Thomas F. Walsh, of Colorado, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

James Allison, of Kansas, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

POSTMASTER.

Asa H. Faulkner, to be postmaster at McMinnville, in the county of Warren and State of Tennessee.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 20, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS THE RED RIVER OF THE NORTH AT DRAYTON, N. DAK.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 160, being the same as the bill H. R. 4167.

The SPEAKER. The gentleman from North Dakota asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 160) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would like to ask the gentleman in charge of the bill if it carries any appropriation at all?

Mr. SPALDING. It carries no appropriation at all. The bill is drawn in accordance with the regulations of the War Department, and is indorsed by that Department.

Mr. TALBERT. Has it been fully considered by a committee?

Mr. SPALDING. It was reported by the Committee on Interstate and Foreign Commerce.

Mr. TALBERT. Unanimously?

Mr. SPALDING. Yes, sir.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SPALDING, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SPALDING. I move that the bill H. R. 4167, on the same subject, lie on the table.

The SPEAKER. Without objection, that order will be made. There was no objection.

NICARAGUA CANAL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that two weeks from to-day may be set apart, immediately after the reading of the Journal, for the consideration of House bill 2538, a bill providing for the construction of a canal connecting the waters of the Atlantic and Pacific oceans. [Applause.]

The SPEAKER. The gentleman from Iowa asks unanimous consent that Tuesday, two weeks from to-day, be set apart for the consideration of the Nicaragua Canal bill.

Mr. RICHARDSON. Mr. Speaker, I desire to ask the gentleman, as I have not had time to read the bill, if there is anything in it that deprives the United States of the absolute control of the canal, or do we have to acknowledge that the Clayton-Bulwer treaty is still in operation by virtue of anything in this bill?

Mr. HEPBURN. By the terms of this bill, if the canal shall be constructed, the United States will have absolute control over it.

The SPEAKER. Is there objection?

Mr. CANNON. What is the request, Mr. Speaker?

The SPEAKER. The gentleman from Iowa asks unanimous consent to set apart Tuesday, two weeks from to-day, for the consideration of the bill known as the Nicaragua Canal bill.

Mr. CANNON. In the state of the public business, it seems to me that when two weeks from to-day comes, we can better tell about it.

The SPEAKER. Objection is made.

Mr. RICHARDSON. There is no objection on this side, I will state.

The SPEAKER. Objection is made.

Mr. HEPBURN. Well, Mr. Speaker, I do not understand that to be an objection. If the gentleman wants to take the responsibility of objecting to it, let him say so.

Mr. CANNON. For the present. As to two weeks hence, I do not know what I may do two weeks from now; but at this time, forecasting for two weeks, I do not know what we should do.

Mr. HEPBURN. In order to obviate in part the objection, I would ask that a week from to-day be set apart for the consideration of the bill.

The SPEAKER. The gentleman asks that Tuesday, one week from to-day, be set apart for the consideration of the bill.

Mr. CANNON. I am not ready at this moment to agree to either one or two weeks from to-day. There is quite time enough to consult about this in either one or two weeks.

Mr. RICHARDSON. There is no objection to Tuesday one week on this side.

The SPEAKER. Objection is made.

Mr. HEPBURN. By the gentleman from Illinois.

Mr. CANNON. Oh, yes; by "the gentleman from Illinois," standing ready to confer with the gentleman touching the matter between this and then.

Mr. RICHARDSON. Regular order.

The SPEAKER. The regular order is demanded.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Puerto Rican bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8245.

Mr. NEWLANDS. Mr. Chairman, as a result of a humanitarian war, inaugurated not for the purpose of conquest, but for the purpose of freeing Cuba from the oppression and cruelty of Spain, the United States finds itself to-day in the qualified possession and control of Cuba, in the unqualified possession and control of Puerto Rico, and in the disputed possession of the Philippine Islands. This possession and control are maintained to-day by the Army of the United States, under the direction of the President as Commander in Chief. With reference to them Congress is now called upon to act, and we must consider three questions. First, what duty prompts; second, what self-interest requires; third, what our constitutional obligation imposes upon us regarding them.

The answer to all these questions largely depends upon the relations which they will bear to us in the future, whether temporary or permanent, and every phase of obligation, duty, and right which can be suggested to us by any conquest or cession of territory is presented in the three classes of acquisitions thus secured.

CUBA.

As to Cuba, there is no contention between the opposing parties as to the policy to be pursued. Our sovereignty, jurisdiction, and control over that island were declared by the war resolutions to have in view only its pacification. That being accomplished, our solemn obligation to Cuba and the world was given to leave the government of the island to its people.

In pacification is necessarily included the erection of a stable government, a government built up from below, not imposed from above; a government capable of establishing order, maintaining peace, and performing its international obligations. Municipal government, provincial government, insular government must be organized in order to create a body politic capable of assuming and maintaining sovereignty. Such a process is necessarily slow. The future peace of that island, the maintenance of good order, and the establishment of peaceful relations with this country, as well as the security of our trade and business relations, all demand that this work should be accomplished not in a rapid, loose, and perfunctory manner, but with deliberation and judgment.

As to whether or not economic considerations will later on compel Cuba to seek the benefit of the commercial union and enlarged markets which incorporation with this country will afford is a question of the future, depending upon the consent of both parties, and only to be accomplished after a full consideration of mutual advantages. Cuba will in the future probably be more anxious about this than the United States, for time will demonstrate to Cuba the great advantages of annexation. Whilst her products will seriously compete with the products of certain sections of our country, yet annexation of Cuba is in line with the traditional policy of our country, which includes expansion over contiguous territory and adjacent islands controlling our defensive line. Annexation of Cuba depends on her initiative and our consent after due deliberation. Meanwhile we will carry out in good faith the guaranty of the war resolutions.

PUERTO RICO.

As to Puerto Rico, no complications exist unless they are created by the maladministration of Congress. Its area is small, its people can be easily absorbed, and we are in the unqualified and undisputed possession of that island with the consent of its people, who are ready, willing, and eager to share with us the benefits and the burdens of our Government. Their industrial competition will not be serious, even though they are taken inside of our tariff wall. Doubtless the disposition of the dominant party is to establish there a Territorial form of Government and to extend our Constitution and our laws to them. Their fear is the establishment of a precedent which will be invoked to control our action regarding the Philippines later on; such action, embracing not simply one island near our coast, easily governed, its people friendly and peaceful, but embracing an archipelago of seventeen hundred islands 7,000 miles distant, of diverse races, speaking different languages, having different customs, and ranging all the way from absolute barbarism to semicivilization.

It is evident, therefore, so far as Puerto Rico is concerned, whatever present objections there may be upon the part of the dominant party to establishing freedom of trade between that island and the Union, such trade will not be long deferred, as apart from the contentions raised by a discriminating tariff, which will doubtless be only temporary, it is evident that both of the political parties of the country are now in substantial agreement that Puerto Rico will become a part of the Union.

The dominant party, however, is losing sight of the possibility that the unrest and dissatisfaction created by inequality of laws may make our problem of government in Puerto Rico much more difficult than it now seems. Whether these newly acquired islands are to be regarded as dependencies or Territories, unless freedom of trade, freedom of migration, and equality of right and burthen are established, each community discriminated against will regard itself as the victim of American prejudice or greed.

THE PHILIPPINE ISLANDS.

The Puerto Rico question is thus linked with the Philippine question. The latter presents the only difficulty in the way of the solution of the relations of our newly acquired islands, and it is necessary therefore to ascertain what duty, interest, and constitutional obligation require with reference to the Philippines. In doing so it is unnecessary to engage in crimination or recrimination as to the past. The fact is that the United States has destroyed the Spanish Government and has also destroyed the Filipino government.

The only government which exists there to-day is the military government of the United States. It is as clearly our duty to pacify these islands as it is to pacify Cuba. In this pacification the organization of a stable government is necessarily involved. A slow and tedious process must be entered upon of organizing municipal, provincial, and insular government, and later on, possibly, a confederated government or governments, including either all the islands or groups of islands related to each other by race or interest. This can only be accomplished by the recognition of the sovereignty of the United States for that purpose.

Back of all government lies force, and the only government that exists in these islands to-day is the Government of the United States, and its power must, as a matter of necessity, be recognized and obeyed. Thus far, therefore, both imperialists and anti-imperialists agree that the Philippine Islands must be pacified; that force is essential for that purpose; that the military power of this country must be asserted there in the interest of order and good government; that the people must be for a time in the condition of tutelage, their duty being to obey and ours to control, but with the corresponding obligation upon us to gradually and progressively instruct them in the science of self-government.

The only difference, then, between the imperialists and the anti-imperialists is as to our future purpose. The imperialists contend that we shall hold them for all time as subject dependencies, with such system of autonomy as they are capable of exercising; the anti-imperialists contend that we shall hold the Philippine Islands, not for the United States, but in trust for the people of those islands, with a present positive promise that when a stable government shall be organized, capable in the judgment of the United States of maintaining order and performing international obligations, the independence of the islands shall be assured. We must create a government there to which we can transfer the sovereignty transferred to us by Spain.

ULTIMATE INDEPENDENCE.

I contend that good faith, self-interest, and constitutional obligation compel us to the latter course, which will result in the pacification of the islands, the identification of the insurgents with building up the fabric of the new government, the establishment of order, the security of business interests, and the advancement of trade.

Meanwhile, the friendship of the people being assured, our commercial interests can be rapidly developed there and a commercial hold on the islands will be secured to an extent impossible of realization so long as the people maintain their present hostile attitude. Naval stations and coaling stations can be secured during the process of establishing the new system of government, a process necessarily of long duration, and currents of trade with this country will be created which can not be deflected. This process means the expansion of trade in the Orient without the annexation of oriental territory and oriental peoples, and saves us from the perilous undertaking of changing our theory of government, and abandoning our traditions as well as the contradictions which are involved in asserting an interstate republic and an extra-state despotism.

The Philippine Islands can never occupy to us the same relation as the territory gained from France, Spain, Mexico, and Russia. From this territory the majority of the States of the Union have

been created, and the small balance remaining is certain of admission into the Union as States. No such contingency as the admission of the Philippines into the Union as States is possible. The very argument of the imperialists is based upon this impossibility, and the new theory of government now asserted has its foundation in the acquisition of territory thickly populated by people absolutely unfitted for association with us in government.

Their admission into the Union would also mean an industrial readjustment in this country, for if free trade is established between the Philippines and this country, the inclusion of 9,000,000 people possessing a considerable degree of alertness and industrial capacity accustomed to the cheapest wage and the lowest standard of living will make itself felt not only in our agricultural, but also in our manufacturing industries.

What, then, does self-interest require regarding those islands? Does self-interest prompt us to maintain a perpetual war with millions of people, the continuance of which depends not upon our power but upon their volition; for it is generally conceded that this contest, partaking of the nature of guerrilla warfare by millions of people against an invading and possessory force of only 60,000 men, can last as long as the Filipinos wish it to last. Or shall we secure the friendly cooperation of those people and meanwhile secure the great commercial advantages to be obtained by the retention of naval stations and coaling stations and creating currents of trade which can not be changed?

The course of the anti-imperialists entirely frees us from the danger either of the immigration of those people or the free admission of their products into our markets; whilst the policy to be pursued by the imperialists (provided the Constitution extends over those islands) absolutely compels free migration and freedom of trade.

It is unfortunate that we should go into a great Presidential contest over a question involving extra territorial policy. It is the sentiment of the American people that with reference to our foreign relations the entire country should stand united; and that patriotic sentiment might control now were it not that the question involved includes a change in our own Government under the Constitution—at all events a change of our Government as heretofore administered.

I will not enlarge upon the disadvantages from the standpoint of self-interest in holding those islands as a part of the United States. We all agree, imperialists and anti-imperialists, as to these evils. Imperialists propose to protect us against these changes by making those islands not a part of the United States, but territory of the United States—colonies of the United States, under our absolute and unqualified dominion—our government there unrestrained by the great principles involving personal and property rights contained in the Constitution; while anti-imperialists are solicitous to avoid these very evils of free migration and freedom of trade by absolutely preventing those islands from becoming in any way a part of the United States and by advocating the policy of holding them in trust for their own people, self-government to be ultimately established there and independence absolutely secured.

CONSTITUTIONAL QUESTION.

The question then arises next, apart from the question of self-interest, as to what our constitutional obligations are regarding these islands. The treaty of Paris transfers them to the United States. The sovereignty of Spain has been broken. The sovereignty of the United States has been established. But the treaty provides that the political and civil status of the people of those islands is to be determined by Congress. Thus far we have not made them a part of the United States by any enactment of Congress. They are ceded to us by a treaty of peace; but the very terms of the treaty indicate that the determination of the future of these islands is to be left to the Congress of the United States.

We will soon be called upon to legislate regarding them, and I contend that unless we declare our purpose of holding the Philippines in trust for their own people until a stable government can be erected, the necessary presumption from the cession of the islands to us will be that they are territory belonging to the United States, and the Constitution applies to them, with all its privileges and immunities. No other presumption can be indulged regarding them unless an express declaration is made to the contrary.

The Constitution is the organic law of the United States, absolutely controlling all the branches of the Government in their functions. The United States which governs consists of the States composing the Union, but the United States which is governed under the Constitution consists of the entire domain of the Republic, Territories as well as States, and the "United States" referred to in that provision of the Constitution which declares for uniformity of taxation is the "United States" which is governed, not the United States which governs. The pending tariff as to Puerto Rico, therefore, raises the question as to whether the limitations and prohibitions of the Constitution control the action of Congress as to territories ceded and belonging to the United States. The claim that any part of the territory of the United States can be governed by Congress outside of the Constitution is without solid foundation, either of reason or authority. The Congress of the United States is the creature of the Constitution; all its powers are created by the Constitution, and the limitations upon its power must be applied to all legislation which it originates.

The Congress of the United States can not be a despotism in some parts of the Union and a body of limited constitutional powers in other parts. The Constitution of the United States was the compact of thirteen States, formerly colonies of Great Britain, which had revolted against the mother country. Equality of rights, the right to life, liberty, and the pursuit of happiness, the right of representation where taxation was involved, were the essential principles to vindicate which the Revolution was inaugurated and free government established.

The framers of the Constitution had in view the acquisition of the Northwest Territory, out of which five States were to be carved. They were framing an organic act which was to apply to the entire domain of the Republic. Jealous of individual rights they granted certain powers to the General Government, reserved certain powers to the people and the States, limited other powers, and prohibited others. They organized a government capable of indefinite expansion. They provided for the admission of new States and for the acquisition of territory out of which States could be made. The Territories were to be regarded as infant States.

It is impossible to believe that they intended that the Congress of the United States should be a limited sovereignty in the States and a despotism in the Territories, and that they proposed that the people of the Territories should not enjoy the personal and property rights for which they had fought and which they protected by the prohibitions and limitations of Congress.

It can not be contended for a moment that they deliberately designed to give Congress the power in the Territories to pass bills of attainder and ex post facto laws, grant titles of nobility, work corruption of blood or forfeiture, convict of treason on the testimony of one witness, or that they designed that the people of the Territories should not be secure in the freedom of speech or of the press, the right to assemble and petition the Government for the redress of grievances, the right to keep and bear arms, the right to be secure in their persons, houses, and effects, or that they should be deprived of life, liberty, or property without due process of law, or be deprived of private property for public use without just compensation, or should be deprived of the right of trial by jury, or should be subject to cruel or unjust punishment; and yet all these rights were absolutely secured by the Constitution, and Congress was forbidden to invade any of them.

It is clear that if the prohibitions of the Constitution relating to the rights of individuals were to be enforced wherever the jurisdiction of the Republic extended, the limitations of the Constitution relating to the power of taxation must be similarly enforced. The Constitution demands uniformity as the rule of customs duties throughout the United States, which term covers the entire domain of the Republic.

Now, the term "United States" can of course be used in two senses—the political sense, which means the States composing the Union; the geographical sense, which means the entire domain of the Republic. The United States, in a political sense, means the States composing the Union; they are the source of all governmental power. The people of those States elect the President of the United States. The people of those States elect Representatives in Congress. The people of those States elect the State legislatures which elect our Senators. The lawmaking and the law-executing branches of the Government thus elected by the people of the States composing the Union provide for the judiciary, which sits in judgment upon our laws.

The political United States consists of the States composing the Union—the "United States" which governs is the "United States" consisting of the States composing the Union. The United States, however, which is governed is the entire domain of the Republic, Territories as well as States; and with reference to the larger United States, the United States governed, the Constitution is the organic law, defining the powers of the President, of Congress, of the Supreme Court over the entire domain of the Republic, Territories as well as States.

It is impossible to believe that the framers of our Constitution could have had any other view. The States that originally formed this Union were certain colonies which had revolted against the oppression of the mother country—oppression involving, as this tariff does, the question of taxation, the question of taxation without representation, the question of unfair taxes, the question of imposition upon the natural rights and liberties of the colonists.

After many years of protest the men of that time, men of wonderful wisdom and sagacity, framed the Declaration of Independence, which was the assertion of the natural rights of man.

It was in itself the precursor of the Constitution. The very purpose of the Constitution was to establish a limited sovereignty upon this continent.

They were distrustful of absolute and unrestrained power. They had been the victims of the absolute power of Parliament, just such power as it is contended to-day we may exercise, under the Constitution, with reference to these new possessions; and they determined to frame a system of government which would put the representatives of the people and the people themselves in a strait-jacket so far as the exercise of absolute power was concerned. They framed a limited sovereignty, consisting of the United States of America, an indestructible Union of indestructible States, a Union organized for general protection and defense and the common welfare.

And so thirteen colonies of Great Britain, revolting against taxation by the mother country without representation in the taxing body, revolting against invasion of their rights of personal liberty and individual property, declared their independence of Great Britain, and later on formed a Union called the United States of America, the purpose being to leave local government in the hands of the States and to intrust all matters of general welfare, such as matters involving war, foreign relations, and Federal legislation, to the Federal Government, the source of which was to be the people of the States composing the Union.

They provided in their Constitution for expansion by the admission of new States, entitled to the same rights of local self-government, yielding the same allegiance to the Union and receiving the same benefits from it. Connected with this expansion by the admission of new States was necessarily involved the acquisition of territory, ultimately, when population permitted, to be admitted as States. Thus the scheme of government was formed, a union of States, expansion and growth by the admission of new States, expansion and growth by the acquisition of territory for the purpose of forming new States, everywhere maintaining the dual form of government—State sovereignty as to local matters and Federal sovereignty as to matters of general welfare.

Certain powers were granted to Congress. Certain of the powers so granted were limited. The exercise of certain other powers was prohibited. All powers not granted were reserved to the States or to the people of the United States. Combine all of the powers—the powers granted to the Federal Government, the powers reserved to the State government, and the powers reserved to the people—and you have all of the elements of absolute power. The very purpose of the organization of this Government was to combine them nowhere, but to create a government of checks and balances not capable, perhaps, of moving with the energy and efficiency and quickness of absolutism, but a government of limitations, of prohibitions, of checks and balances, so framed as to protect the individual rights, the individual lives, and the individual property of the people against absolute and unrestrained power.

Now, in framing this system of government is it possible to believe that these great liberty-loving, God-fearing, humanity-loving men could be so selfish as to intend to frame a government whose blessings were intended only for the States composing the Union, regardless of the rights and liberties of the people occupying territory belonging to the United States, that as to such people they intended Congress should have and exercise the omnipotent power which Parliament asserted and exercised regarding the Colonies?

EXTENSION OF THE CONSTITUTION.

Mr. Chairman, the very scheme of government involved in itself not only expansion of territory but expansion of the Constitution, expansion of the protection of the Constitution over all parts of the domain of the Republic. It provided for the admission of new States, and in the same section provided for the government and disposition of territory belonging to the United States.

They then had in view the acquisition of the great Northwest Territory, subsequently ceded to the United States by the States of Virginia and Maryland, out of which not less than three nor more than five States were to be incorporated into the Union.

The entire history of the framing of the Constitution indicates that the purpose of its makers was to organize a union of States; to permit the admission of new States, and to permit the acquisition of territory for the purpose of organizing new States; and that over the entire country, both the States and the infant States, the Constitution was to be the organic law, charter of their liberties, governing and controlling the action of the Federal Government.

As the colonists had fought for the principle that taxation and representation must go together, they contemplated in no contingency the denial of this principle.

The portion of the Constitution providing for a District of Columbia, over which Congress should have exclusive jurisdiction, contemplated the acquisition of a limited area without population, whose population thereafter was to be made up of citizens from the various States, who could maintain their right of representation by maintaining their citizenship in the respective States, and who, by coming to an unoccupied territory, whose government was already vested in a Congress, must be deemed to have consented to that form of government.

As to the Territories, the right of representation was practically admitted by conceding the right to be admitted into the Union when the population sufficed to fit them for the assumption of the burdens of statehood. They were regarded as infant States, to be controlled during infancy by the Federal Government, just as individuals are controlled during infancy. But with reference to the District of Columbia and the Territories all practical guaranties as to life, liberty, and property were secured by the provisions of the Constitution relating to personal liberty, and by the provision securing uniformity as to indirect taxes and apportionment as to direct taxes.

The powers of Congress, then, as created in the Constitution, must be viewed in the light of the Declaration of Independence and the principles for which the war of independence was fought, and it is impossible to believe that any limitations put upon the legislative power, otherwise despotic, in favor of individual rights, individual liberties, and individual lives, and for the purpose of securing equality of rights and uniformity of burdens, were intended to be applied only to that favored portion of the American people residing in the States and to be denied to that portion residing in the Territories.

The character of the Revolutionary fathers, the principles for which they contended, and the history of the times all prove that while their purpose was to make the people of the States the source of government, the Government itself was to be equal and just and to extend over the entire American people, whether living in States or in Territories.

Under such a system of government indefinite expansion over uninhabited territory fitted to the development of our race or over populated territory containing peoples capable of assimilation and of sharing with us the blessings of free government and of maintaining their liberties is possible. The difference between the imperialists and the anti-imperialists on this question is that the imperialists wish to expand our territory and to contract our Constitution. The anti-imperialists are opposed to any expansion of territory which, as a matter of necessity, arising from the ignorance and inferiority of the people occupying it, makes free constitutional government impracticable or undesirable.

PRINCIPLES OF LIBERTY.

The gentleman from Pennsylvania [Mr. DALZELL] remarked that the guaranties of liberty were the heritage of the Anglo-Saxon race; that we required no written constitution, no parchment upon which the great principles of liberty should be written; that these principles landed at Jamestown and Plymouth Rock with our colonial fathers, and were written upon the hearts of the American people.

What were these principles? The principles of Magna Charta and the Bill of Rights. Now, our forefathers were part of the great English people. The heritage which they had was the heritage of Magna Charta and the Bill of Rights. The principles which were written upon their hearts were the principles of those great instruments. But were those principles written upon the heart of George III, a kinsman, an Englishman? Were they written upon the hearts of the British Parliament, against whose oppressions and exactions our colonial forefathers rebelled? And did not the lesson of that experience imprint itself upon their hearts and compel them, in shaping a government in this country, to write in parchment, in the permanent law of the country, only to be changed after long effort, careful deliberation, and supreme consideration, the great principles regarding individual rights and property for which they had contended?

And is it not possible that history may repeat itself and that our subjects in the Philippine Islands may find that those principles of liberty are not so written upon the hearts of the members of the American Congress as to prevent them from exercising the harsh and oppressive power which the gentlemen must admit is inherent in absolutism, whether exercised or not?

CHECKS AND BALANCES.

Now, I said that we had organized a system of checks and balances, with absolute power nowhere. The framers of the Constitution in creating that instrument expressed a distrust not only of the representatives of the people but their distrust of the people themselves. They put not only the representatives of the people but the people themselves in chains by that organic act. They proposed thereby to protect the people not only from the uncontrolled power in their representatives but from their own violence.

By the creation of a House of Representatives which could negative the action of the Senate, by the creation of a Senate which

could negative the action of the House, by the creation of an Executive who could veto the action of both, they put limits everywhere upon inconsiderate action; and then by limiting certain powers, prohibiting others, and reserving to the States and to the people of the United States the remaining powers of sovereignty, they secured a Government intended to guard the rights of a strong people, not to crush the liberties of a weak people. A strong Government because of the individualism and strength of its people, not strong because of its absolutism over a weak people.

THE CANTER CASE.

Now, I wish to review for a few moments the decisions to which the gentleman from Pennsylvania [Mr. DALZELL] alluded in his argument yesterday. Thus far I have taken only a general view of the Constitution, and have considered it in the light of history, in the light of the experiences of our fathers, in the light of their contention for human liberty everywhere.

The gentleman from Pennsylvania relies mainly upon the case of the American Insurance Company against Canter (1 Peters, 511), upon the Tampico case, and one or two other cases of similar import.

In the Canter case certain bales of cotton contained in a vessel wrecked off the coast of Florida were seized by the salvors under the law of the Territory of Florida, and were sold under the decree of an inferior court organized by the legislature of that Territory. And the question was whether the decree changed the property to the purchaser under that salvage sale. It was contended on the one hand that the judicial power of the United States extended to admiralty cases; that the judicial power of the United States was to be exercised only by certain courts provided for by the Constitution, the tenure of office in which should be during good behavior; and it was contended that jurisdiction in an admiralty case could be given only to a constitutional court.

The Supreme Court met this contention by declaring that these inferior courts were not constitutional courts; that their judges held for a term of years and not for life; that they were inferior courts, organized by the Territory of Florida, acting under the sanction of Congress, which in itself was acting either under the general powers of sovereignty, to be inferred from the right to acquire, or under that provision of the Constitution which gives to Congress the power to make needful rules and regulations regarding the territory of the United States.

It is true that these inferior courts, though organized under the authority of the United States, were not constitutional courts. They were local courts, for in the Territories, of course, the Federal Government has not only the powers of the Federal Government but the powers of a State and municipal government. It can act directly with reference to the Territories, or it can delegate its powers to a legislature to be organized under the laws of the United States in the Territories. There is no question of the power of the United States to organize, in a Territory, inferior courts of local jurisdiction. The only question is whether an admiralty case is under the exclusive jurisdiction of the United States, and whether jurisdiction in such a case can be conferred upon or exercised by any but a constitutional court, a court of the United States organized under the Constitution with judges enjoying life tenure.

Now, I admit that case bears against us, if a case of salvage is a case of exclusive Federal jurisdiction. I have not been able to look into the question whether jurisdiction in a case of salvage can be exercised concurrently by the United States courts and by the State courts. If it can be exercised concurrently, then clearly the case does not bear against us.

THE TAMPICO CASE.

The next case was the Tampico case (Fleming *vs.* Page, 9 How., page 603). There, during the Mexican war, the possession and control of Tampico was secured by our arms.

The Supreme Court in that case, involving the right of a collection port of the United States to exact duties upon goods imported from Tampico, then in the possession of the United States military authorities as conquered territory, declared that the genius and character of our institutions were peaceful; that the power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement, but to enable the General Government to vindicate by arms its own rights and the rights of its citizens; that a war declared by Congress could not be presumed to be waged for the purpose of conquest; nor could the law declaring the war "imply an authority to the President to enlarge the limits of the United States by subjugating the enemy's territory;" that the boundaries of the United States could not be enlarged by mere military occupation, and so the court held in that case that Tampico was a foreign port even though it was under the control of our military authorities and had been conquered in war; that it could not become a domestic port except through the action of the treaty-making power or the legislative power; that the duty of the President was merely military, and that whilst he might invade a hostile country and subject it to the sovereignty of the United States, his conquest did not enlarge the boundaries of the Union nor extend the operation of our institutions or laws beyond the limits before assigned to them by the legislative power.

The whole reasoning of the case was that the boundaries of the United States could not be enlarged by conquest, but only by the action of the treaty-making power or the legislative power, and confirms our contention that when territory is ceded to the United States by treaty it then becomes domestic, not foreign; that the boundaries of the United States are enlarged so as to include it; that the Constitution of the United States applies to it. It will be observed that the court said that conquests do not enlarge the boundaries of the United States, but that cession through the treaty-making power does. What United States? The political United States, consisting of the States composing the Union; the United States that governs, or the geographical United States, consisting of States and Territories, the United States that is governed? Clearly the latter.

The boundaries of the political United States can only be enlarged by the admission of a new State; the boundaries of the geographical United States can be enlarged by the acquisition of territory as the result of the treaty-making power or the legislative power; and it is in that sense that the term "United States" is used in all portions of the Constitution relating not to the source of government but to the powers of government.

Mr. WILLIAMS of Mississippi. The United States in the aggregate, and not the several States?

Mr. NEWLANDS. Yes.

So also in other cases the courts have recognized the doctrine that ports in ceded territory are not to be regarded as domestic ports until Congress extends the customs laws to them. Was this doctrine declared because they were not part of the territory of the United States, or was it because the machinery for collecting duties was lacking? Clearly the latter. With reference to newly acquired territory, the municipal law in existence there is maintained until the country to which the cession is made exercises the power of sovereignty. There can be no such thing as collecting revenue in ceded territory unless the machinery of the law is there, and the machinery of the law can only be introduced there by the creation of collection districts by Congress, and until then these ceded ports are not regarded by the administrative department as domestic ports.

CROSS VS. HARRISON.

And yet the Supreme Court in the case of Cross against Harrison (16 Howard, page 164), a later case, takes from the gentleman even the contention which he bases upon the Tampico case, and the administrative action regarding ports in ceded territory, in which the machinery of collection has not been established. The case of Cross against Harrison arose whilst California was under military rule. It was under military rule before the cession as a result of its conquest. It was under military rule after its cession, simply because the United States Congress had not chosen to legislate regarding it.

The collector of that district was an appointee of the military commander, who, under the military law and as an incident of military occupation, could himself construct such a system of revenue and such a system of imposts and duties as to himself seemed fit.

Mr. WILLIAMS of Mississippi. Will the gentleman from Nevada excuse me for an interruption one moment to call his attention to the fact that in none of those cases did the military power set up a tariff different from that already enacted by the laws of the United States. They merely put into existence the same local laws of the ports of the country.

Mr. NEWLANDS. I was about to make that remark. The military governor there had, prior to the cession, imposed, if I recollect aright, certain duties upon imports, and after the cession and before the collection district was organized, and before the machinery of the law had been extended to San Francisco by the Federal authorities, he arbitrarily established other duties, the duties then imposed by the laws of the United States upon goods coming to the ports of the United States from foreign countries; and in that case the Supreme Court of the United States declared that immediately upon the cession the Constitution and laws of the United States, so far as they can be enforced, extended to the territory ceded.

Mr. GAINES. Will the gentleman from Nevada allow me an interruption?

Mr. NEWLANDS. I will.

Mr. GAINES. Is it not an historical fact that before the Constitution was formed, and while it was being formed, but before it was ratified, territory was ceded by several States to the United States?

Mr. NEWLANDS. Yes. Now, I was referring to the case of Cross against Harrison. There the military commander, after the cession, had fixed the duties provided by the laws of the United States, and the Supreme Court of the United States held

that immediately upon cession, and without the action of Congress at all, the Constitution and the laws applied to the ceded territory, and held that, as the Constitution itself provided that the duties throughout the United States should be uniform, it was the constitutional duty of the President of the United States to enforce the Constitution, and that the collection of the duties by the military collector, under the military commander, was entirely legal. Justice Wayne said:

The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be in violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. * * * As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it is only necessary to say that if he did not do so it would be a neglect of his constitutional obligation to take care that the laws be faithfully executed.

California, then a ceded territory, was declared by Mr. Justice Wayne to be "within the United States" and subject to the provision of the Constitution which provides for uniformity in customs duties "throughout the United States." Does it not, therefore, follow that Puerto Rico, a ceded territory, is also within the United States and is protected by the same provision of the Constitution?

TERRITORIES AS INFANT STATES.

Now, let me refer to the authorities which are confirmatory of the position which I have assumed, that the United States was organized with all the elements of expansion in it, that expansion to take the form of admission of new States and of territory regarded as infant States, later on to become sovereign States of the Union when able to sustain the burdens of statehood.

You have already heard both the controlling and dissenting opinions in the case of Scott against Sanford (19 Howard, page 432). I am aware that it is a malodorous case for the reason that it led to our civil war, and yet it has never been overruled; and certainly as not only the judges rendering the decision, but the dissenting judges agree as to our theory of government, it is both controlling and persuasive. In all these opinions, in the utterances of Chief Justice Taney for the majority, in the utterances of Justice McLean and Justice Curtis for the minority, no variance of opinion, but, on the contrary, unanimity of opinion is expressed on this subject.

Chief Justice Taney said:

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States.

* * * * * * *

The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of a territory not fit for admission at the time, but to be admitted as soon as its population would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

Justice McLean, of the minority, said:

In organizing the government of a Territory, Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit, so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

Mr. Justice Curtis said:

Since, then, this power was manifestly conferred to enable the United States to dispose of its public lands to settlers, and to admit them into the Union as States, when in the judgment of Congress they should be fitted therefor; since these were the needs provided for; since it is confessed that government is indispensable to provide for those needs, and the power is to make all needful rules and regulations respecting the Territory, I can not doubt that this is a power to govern the inhabitants of the Territory by such laws as Congress deems needful until they obtain admission as States.

Justice Curtis adds—remember this is the opinion of Justice Curtis, of Massachusetts, the leader of the minority in that great case—

If, then, this clause does contain a power to legislate respecting the Territory, what are the limits to that power? To this I answer that in common with all the other legislative powers of Congress it finds limits in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

Now, what are these prohibitions? The prohibited powers of Congress are:

No bill of attainder or ex post facto law shall be passed.
No title of nobility shall be granted by the United States.
The trial of all crimes, except in cases of impeachment, shall be by jury.
No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.
No attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

These prohibitions, then, apply to the action of Congress wherever it acts, whether with reference to Territories or with reference to area of the States composing the Union.

Now, let us look at a few amendments, to the right secured by the first eight amendments.

The first eight amendments to the Constitution secure freedom of religion, freedom of speech and of the press, freedom of the right of the people to assemble and to petition the Government for redress of grievances, the right of the people to keep and bear arms, the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.

They also provide for presentment or indictment by a grand jury; that no person shall be twice put in jeopardy for the same offense; that no person shall be compelled in a criminal action to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor be deprived of private property for public use without just compensation. They secure the right of a speedy and public trial by an impartial jury, and the preservation of the right of trial by jury in suits at common law. They provide that excessive bail shall not be required, nor excessive fines imposed, nor cruel or unjust punishment inflicted.

Mr. Justice Curtis says:

If, then, this clause does contain the power to legislate respecting the territory, what are the limits to that power? To this I answer that, in common with all the other legislative powers of Congress, it finds limits in the express prohibitions of Congress not to do certain things.

Then I ask you, if the prohibitions are operative to control Congress, will not the limitations of power control it? A limitation of power is a prohibition of power, except to the extent to which that power is granted.

What is the limitation with reference to duties? The limitation of uniformity. The Constitution says, "All duties, imposts, and excises shall be uniform throughout the United States." No law regarding duties shall be ununiform. Is not this as emphatic a prohibition as "No bill of attainder or ex post facto law shall be passed?" Are the words "United States" words of contraction or of emphasis? Do they mean the whole or a part only of the national domain? Chief Justice Marshall, in Loughborough *vs.* Blake (5 Wheaton, page 317), says in construing this clause of the Constitution, in an opinion which our opponents declare to be dictum:

The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories.

This would be sufficient to condemn the pending bill; but I have preferred to take the larger view of the question, which includes our policy as to all our new possessions, my contention being that our Constitution is one of restricted powers; that it applies to every inch of territory upon which it is intended that our flag shall permanently fly; that it involves the ultimate incorporation in the Union and the participation with us in the exercise of the powers of government of all annexed territories, and that the annexation of inferior peoples of lower capacity and cheaper labor involves not only danger to our institutions but to our whole industrial system, dangers sure to lead to unrest, civil disturbance, and internal war.

OMNIPOTENCE OF CONGRESS.

I contend that there is no basis for this new theory that Congress is omnipotent as to Territories, and have endeavored to show both by consideration of the provisions of the Constitution, as well as by the history antedating and contemporaneous with its formation, that the very purpose was to prevent that omnipotence assured to Parliament by the British constitution. We speak of the British constitution. No such constitution exists. Parliament is unlimited in its powers. It can, if it chooses, pass bills of attainder, ex post facto laws, laws depriving people of their property for public use without just compensation. There is no limitation upon the powers of Parliament save such as the good judgment and wisdom of the members themselves may impose.

The sovereign there would not dare to exercise the power of veto; it would involve a revolution. Our forefathers were escaping from the omnipotence of Parliament, and they determined that in organizing a representative body here they would put in the organic act those prohibitions and limitations which would prevent Congress from becoming omnipotent, as Parliament had been. One of these amendments prohibits Congress from interfering with freedom of religion. In the case of Reynolds *vs.* United States (98 U. S., 162) the court said:

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

Now, the gentleman from Pennsylvania says: "But with reference to all the territories that have hitherto been acquired by the United States, the custom of Congress has been, by the organic act creating certain territory, to extend to them the Constitution and the laws." And he claims that the Constitution has

operated in such territories not by reason of its own strength, but by reason of the acts of Congress extending it. If that be true, then the act of Congress extending the Constitution, being merely statutory law, can be amended or repealed by Congress at any time.

If Congress can extend the Constitution by law, it can withdraw the Constitution by law. But you will observe that in this very case, a case relating to Utah, the court does not base its decision upon the fact that the Constitution had been extended to that Territory by Congress and was therefore operative not as the Constitution, but as a statutory enactment in the form of the organic act of the Territory; but it says that "Congress"—not the Territorial legislature, but Congress itself—"can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment of the Constitution expressly prohibits such legislation."

In the case of Springville *vs.* Thomas (166 U. S., 707), involving the operation of the Constitution in a Territory, the court says:

In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases. The act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

The seventh amendment secured unanimity; and Congress itself in dealing with a Territory—in making an organic law for a Territory—can not impart to the legislative body of that Territory power to change the constitutional rule. If Congress itself regarding a Territory could act regardless of the constitutional rule, could it not impart that power to a legislature created in a Territory by this act for the purpose of local government?

And in Thompson *vs.* Utah (170 U. S., 346), Justice Harlan said:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

It will thus be seen that the provisions of the Constitution are extended, not as an act of grace on the part of Congress, but as a matter of constitutional right, the Constitution itself being the organic law controlling the entire Territory, limiting the powers of Congress itself in its action upon such Territory.

And in Murphy *vs.* Ramsey (114 U. S., 15) the court says:

In the exercise of this sovereign dominion——

"This sovereign dominion"—just as the dominion of a legislature may be called a sovereign dominion over the State; but that does not imply that it is an absolutism. The sovereignty spoken of is the limited sovereignty to which I have referred.

In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of the Government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

In the case of the American Publishing Company *vs.* Fisher (166 U. S., 464), Justice Brewer declared that the question as to whether the seventh amendment to the Constitution of the United States, regarding the right of trial by jury, "operates ex proprio vigore to invalidate this statute may be a matter of dispute."

That language was used in 166 United States; and Justice Brewer probably bases this statement upon the loose language used by Mr. Justice Bradley, in which he declared that the limitations in favor of personal rights which are formulated in the Constitution and its amendments—

would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions.

Mr. DOLLIVER. Why does the gentleman call the language of Justice Brewer "loose language?"

Mr. NEWLANDS. Simply because it is loose language to speak of limitations by inference, restrictions by implication, when the Constitution itself, by its express limitations and prohibitions, restrains the power of Congress, and nothing whatever is left to implication or inference.

Now, then, Justice Brewer says that it "may be a question of dispute;" but recollect that in the case of Springville *vs.* Thomas, decided by the same court and after this case in which Justice Brewer declared that it might be a matter of dispute as to whether the Constitution operated ex proprio vigore, the court says the act of Congress could not impart to a Territory the power to change the constitutional rule.

A MEMBER. That was in the Utah case?

Mr. NEWLANDS. Yes.

EXPANSION UNDER THE CONSTITUTION.

Now, in support of my contention that the Constitution contemplated the admission of new States, and as incidental thereto the acquisition of new territory from which new States could be created, I refer again to the opinion of Chief Justice Marshall in the case of Loughborough *vs.* Blake (5 Wheaton, 317), wherein, speaking of the restrictions of the Constitution, he says:

The difference between requiring a continent, with an immense population, to submit to be taxed by a government having no common interest with it, separated from it by a vast ocean, restrained by no principle of apportionment, and associated with it by no common feelings, and permitting the representatives of the American people, under the restrictions of our Constitution, to tax a part of the society which is either in a state of infancy advancing to manhood, looking forward to complete equality as soon as that state of manhood shall be attained, as is the case with the Territories, or which has voluntarily relinquished the right of representation and has adopted the whole body of Congress for its legitimate government, as is the case with the District, is too obvious not to present itself to the minds of all.

Chief Justice Marshall was meeting the contention that no Federal tax could be imposed in the District of Columbia because the people of the District were not represented in the taxing body, and insisted that such contention could not be maintained. The District of Columbia was a very limited area of unoccupied territory, ceded by Virginia and Maryland as the seat of the Federal Government, the people of which could, if they wished, secure representation in government by maintaining their citizenship in the adjoining States, and who would be deemed by reason of living here under such conditions to have consented to government by Congress. Chief Justice Marshall draws the distinction between taxation under such conditions and the taxation of a colony by the mother country. Then, referring to the Territories, he finds justification for imposing taxes without representation in the fact that the Territory was in a state of infancy advancing toward manhood, afterwards to be admitted into the Union with the right of representation as a sovereign State.

Then in another case, in Weber against Harbor Commissioners (18 Wallace, 65), Justice Field said:

Although the title to the soil under tide waters of the bay was acquired by the cession from Mexico equally with the title to the upland, they held it only in trust for the future States.

And in the case of Knight *vs.* United States Land Association (142 U. S. Reports, page 183) Justice Lamar said:

Upon the acquisition of the territory from Mexico the United States acquired the title to the tide lands equally with the title to the upland, but with respect to the former they held it only in trust for the future States that might be erected out of such territory.

And in the case of Shively *vs.* Bowlby (152 U. S. Reports, 48) Justice Gray held the same doctrine.

What did they hold? That upon the cession of territory the United States acquired the title to soil under the tide waters equally with the title to the uplands; but that they held the title to the tide lands in trust. For whom? For the people of the United States? For this absolutism which, it is now contended, exists? For the States composing the Union? By no means. But in trust for the future States to be erected out of such territory, such trust to be sacredly maintained until the manhood of the cestui que trust was attained.

This, then, Mr. Chairman, is what we contend for in reference to these islands: That if they are acquired as a part of the territory of the United States we hold that territory, with its population, as infant States to be hereafter admitted into the United States, and we hold the tide lands in such territory for the future States to be created out of them. And, sir, the only way we can escape bringing this people within our tariff laws, within our body politic—the only way, I repeat, to keep them outside of our political and industrial system—is to declare now that we hold them not as territory of the United States—as infant States hereafter to be admitted as sovereign States—but that we hold these islands in trust for the people of those islands, to be turned over to them with complete independence when a satisfactory government shall be organized there capable of accepting the transfer of Spain's sovereignty, through the United States as intermediary, and capable of maintaining order and fulfilling international obligations.

HAWAII.

Mr. GROSVENOR. If it would not interrupt the gentleman from Nevada, I would like to make a suggestion to him in this connection.

Mr. NEWLANDS. Certainly.

Mr. GROSVENOR. I understand the argument of the gentleman to be that upon the acquisition of territory, as in the case of Puerto Rico or the Philippines, the Constitution at once extends itself and operates by its limitations upon the legislation of Congress?

Mr. NEWLANDS. Yes.

Mr. GROSVENOR. I hold in my hand a resolution introduced by the gentleman from Nevada [Mr. NEWLANDS] in the last Congress, which afterwards passed into law, in which I find the following:

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

Now, if the Constitution, of its own motion, proceeded to Hawaii when the treaty was ratified, the limitation in the matter of customs regulations and the assessment of customs duties at once operated and forbade Congress to make a different rate of duty in the Hawaiian Islands from that which is enforced against other foreign countries. And yet I find that the gentleman, in a very able speech made in the last Congress, defended the very proposition and insisted upon the right of Congress to legislate upon that very question in the Hawaiian Islands.

Mr. NEWLANDS. Will the gentleman hand me the resolution?

Mr. GROSVENOR. I will take great pleasure in doing so.

Mr. GAINES. Did not that resolution provide that the local laws should continue, save those which conflicted with the Federal Constitution?

Mr. GROSVENOR. Now, will the gentleman from Tennessee let me fight this out myself?

Mr. GAINES. You did not read all the resolution.

Mr. GROSVENOR. I read every word that related to that subject.

Mr. GAINES. It was provided that that should be the law unless it interfered with the Constitution.

Mr. GROSVENOR. Not at all.

Mr. GAINES. You will find that the law of the treaty.

Mr. NEWLANDS. I am very familiar with the resolutions.

Mr. GROSVENOR. It is verbatim in the act as passed. There was not a single amendment to the original resolution—not a single word.

Mr. NEWLANDS. In the first place, I will say to the gentleman that if there is anything in these resolutions inconsistent with the contention which I now make, it is because I was not as well informed when these resolutions were drawn as I am now. [Applause on the Democratic side.]

Mr. GROSVENOR. That is a very successful answer.

Mr. NEWLANDS. But I will say, in further explanation of this clause—

That until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands, the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged—

That there are two classes of opinions in the decisions of the United States Supreme Court regarding this question, some contending that the ports in ceded territory, until the machinery of the customs laws of the United States is extended to them, must be regarded as foreign ports, and the other, as in the case of Cross against Harrison, contending that the territory, as soon as it is ceded, becomes subject to the Constitution and the laws and that it is the duty of the President of the United States to see that the customs laws of the United States are enforced there. These resolutions were resolutions of annexation, not an act for the government of Hawaii. The object was to maintain all existing laws and revenues until Congress should have an opportunity of acting.

Mr. GROSVENOR. I do not want to take up the gentleman's time, but the precise question which he is discussing will now arise upon an entry of goods from Puerto Rico into the custom-house at New York and an attempt to levy the same duty upon those goods as would be levied if they came from the port of London?

Mr. NEWLANDS. Yes.

Mr. GROSVENOR. And you hold what? That there could be no duty levied upon those goods now?

Mr. NEWLANDS. On the goods from Puerto Rico?

Mr. GROSVENOR. Yes.

Mr. NEWLANDS. I do.

Mr. GROSVENOR. You say that they have a right to come in now without the payment of duty?

Mr. NEWLANDS. Yes.

Mr. GROSVENOR. And, secondly, that Congress has no power to affix any duty at all?

Mr. NEWLANDS. I do.

Mr. WILLIAMS of Mississippi. That is, if they were the products of Puerto Rico and not foreign goods that had passed through Puerto Rico?

Mr. GROSVENOR. Of course.

Mr. NEWLANDS. Of course; and the only exception to that which could be justified would be the exception indicated in some of these opinions, which are evidently based upon the fact that the customs laws can not be enforced simply because the machinery of the law is lacking. Now, with reference to Puerto Rico, as to goods coming from San Juan to New York, there is to-day no collector of customs under the United States customs laws. I understand that as between domestic ports, vessels going from one port to the other, a clearance is made in one port by the collector there and entry is made in the other port by the collector there, and the machinery of the law being lacking the Constitution and the laws can not be enforced.

Now, when I say that the Constitution applies ex proprio vigore to the territory of the United States, I do not mean to say that if is self-executing. I mean to say that it is the organic law controlling the action of the Government there. The Government could neglect its duty; nothing could compel the Congress of the United States to organize the Supreme Court or to organize the interior judicial courts of the United States. It could absolutely neglect its plain constitutional duty, and for this there would be no remedy. Thus the Constitution would be made inoperative; and so in reference to the machinery of the law regarding the collection of customs, Congress might possibly, by a failure to appoint a collector in the ceded Territories——

Mr. GILBERT. May I ask the gentleman a question?

Mr. NEWLANDS (continuing). By failing to create the machinery make the Constitution inoperative; but in doing so Congress violates its plain constitutional duty.

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. NEWLANDS. I will.

Mr. GILBERT. Now, assuming that the argument of the other side is right, that the Constitution of the United States does not act ex propria vigore in the islands and that there are no laws of this Government in force except such as Congress may enact; assuming that their major premise is sound; I want to know what authority there is in this statute to impose any punishment for a violation of this act. This bill of the majority contains this provision—extending the laws relating to the customs, including those relating to the punishment for crime in connection with the enforcement of such law, over the island of Puerto Rico and of adjacent islands.

Now, I wish you, while you have the floor, as your time has been extended unlimitedly, to point out in this bill where there are any punishments provided for a violation of this proposed bill and whether there is any provision in this bill establishing a collector's district, as indicated by the majority report.

Mr. NEWLANDS. I do not catch the gentleman's question.

Mr. GILBERT. Assuming, now, that the majority report contains the correct law, and that the Constitution of the United States does not extend to Puerto Rico, and the Federal statutes do not extend there, and common law is not in force there, where, under this law, can there be any punishment inflicted for a disregard of it, and where, in the provisions of this law, do you find any establishment of a collector's district? Where is there any kind of machinery to put this bill into operation?

Mr. NEWLANDS. I submit to the gentleman that it would be much better to present that question to one of the gentlemen who favor the bill. [Laughter.] I am opposed to the bill, and I think that a reply would come with better grace from the other side.

Mr. GAINES. Will the gentleman permit me an interruption on account of the question that was propounded to him by the gentleman from Ohio a few moments ago?

Mr. NEWLANDS. I will yield, Mr. Chairman, but I wish to be considerate of the rights of others in this debate, and I would not like to occupy the floor too long.

Mr. GAINES. I read from our treaty, so called, by which the Hawaiian Islands were annexed to the United States:

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

I had this in mind when the gentleman from Ohio [Mr. GROSVENOR] interrupted you. I ask these questions for the opposition to answer, if they will. If the Constitution did not apply or extend to Hawaii, why did Congress insert in this treaty the clause or limitation found in these words, "nor contrary to the Constitution of the United States?" If a municipal or local law of those islands "contrary to the Constitution" was null and void by the very words, as you see, of this treaty, then the Constitution did and does extend to those islands. I now ask this: Can Congress pass a law for these islands, or for Puerto Rico, that is binding, which is "contrary to the Constitution?"

Can Congress say what shall not be "contrary to the Constitution?" Of course not. That task is for the courts. It has been repeatedly held by our highest courts that a law passed by Territorial legislatures "contrary to the Constitution of the United States is void," which goes to prove that Congress is without power to enact laws beyond the limitation of or its powers granted. It will be noticed that the gentleman from Ohio [Mr. GROSVENOR] did not read the language I here quote.

CONTENTION UNNECESSARY.

Mr. NEWLANDS. Now, Mr. Chairman, I wish to say, in conclusion, that we are engaged, in my judgment, in an unnecessary contention regarding the future of these islands. We agree as to Hawaii. That is an outpost in the Pacific, controlling our defensive line from the Aleutian Islands to San Diego, and in the possession of a hostile power it could be made the base of an attack upon our entire coast, involving perhaps the destruction of our coast marine.

The annexation of Hawaii also involved absolutely the acquisition of the only intermediate port between the Orient and our country. It involved the defense of our coast. It involved economy in the military and naval expenditure of the country. There were no complex problems in regard to the people occupying those

islands. Only 100,000 people occupied them. They had been practically assimilated and were in sympathy with our institutions and our whole system of government. Their acquisition involved no industrial derangement in this country, for they had practically, by reason of the reciprocity treaty, been incorporated into our industrial system.

We also agree as to Cuba. We propose to carry out in good faith our plan of pacification and turn over that island to a government of its own people.

We also agree we will consider in the future, when economic conditions compel Cuba to knock at our door for admission into the Union, as to whether it is wise, safe, and advantageous to do so.

With reference to Puerto Rico we all agree that no great danger to the industrial system of this country can come from the acquisition of Puerto Rico. It lies there on a line to the Gulf, on the route to the future Nicaragua Canal, and comes legitimately within our scheme of expansion involving continental territory on the northern hemisphere and adjacent islands. Hawaii, Puerto Rico, and Cuba, we all—both imperialists and anti-imperialists—agree, constitute a part of legitimate expansion of both our territory and our Government.

As to these islands in the Philippine group, 7,000 miles away, we all agree, whatever may have been the mistakes of commission or omission in the past, that as the Government of Spain has been destroyed, as the government of the Filipinos themselves has been destroyed, and they present unending complications arising from the diverse nature of the tribes, differences in language, differences in customs, that we must slowly build up the fabric of self-government there, that our army must be maintained there, that the sovereign power of the United States must be sustained there, and we only differ as to the ultimate disposition of those islands, as to whether they shall remain permanently a part of the United States or whether we shall hold them in trust for their own people and ultimately grant them independence. This is the only contention.

Do the advantages, unascertained and unknowable, to be gained by the retention of these islands compensate us for abandoning our theory of government, the traditions of our people, and the constitutional government which we exercise? Do they warrant us in abandoning all the teachings of the past? Do they warrant us in the contention that this Government is a limited sovereignty here and can be absolute despotism elsewhere? Are we warranted by any of these advantages, unknown and unascertainable, that are so indefinitely suggested, in marching into this maze of intricacies and complications?

The lines of action which the anti-imperialists suggest will give us a commercial hold upon the islands; will give us coaling stations and naval stations as part of our naval and commercial machinery; will secure the establishment of currents of trade which can not be deflected. The people of this country do not want territorial expansion in the Orient; they want commercial expansion, and they want commercial expansion which will not endanger the political or industrial system of this country. The labor of this country is now on stilts, away above the labor level of the rest of the world, and however people may differ in theory as to the advantages and benefits of free trade or protection, that man would be a courageous man in this country who would knock the stilts from under labor and throw it to the ground writhing and struggling.

Remember the industrial disturbances created in 1894 by the Pullman strike, the result purely of economic conditions brought about by readjustment in our financial and industrial system. The country was upon the verge of a civil war. Economic changes are the most serious changes that any government can contemplate. However justified they may be in theory, they always result in temporary derangement and disorder to the labor and finances of the country. So far as I am concerned I wish to maintain the present level of wages in this country. I would not do anything that would diminish the price of the product which the American laborer makes, when that price is essential to the maintenance of the wage he receives.

And here to-day, after years of legislation in protecting ourselves against the products of the cheap labor of other countries, in protecting ourselves by immigration laws, intending to exclude the inferior and cheaper classes of labor throughout the world, we deliberately take the step which upon our contention will, and even upon your contention may, include within this Union 9,000,000 people with absolute freedom of access to your capital, with absolute freedom of access to the mother country, with absolute freedom of access to every part of our country, who will be invited here in swarms by speculators in labor, as were the Chinese to this country and as are the Japanese to Hawaii.

What would be thought to-day of the proposition of annexing China and Japan and bringing them within our tariff wall? Why, the thinking men for years have dwelt upon the danger of arousing the productive capacity of the Orient. The Chinese were invited to California under laws which protected their coming, and the people of that State welcomed them. At first the feeling against them was regarded as a low and vulgar race prejudice. The Chinese gradually advanced and captured the different industries on that coast, first the boot and shoe industry, the woolen industry, the cigar industry, and as they advanced upon the vineyards and orchards and into the field, thinking men realized that American civilization was in danger, and we passed laws prohibiting the immigration of these people into our country.

To-day the Japanese are coming into our country, they are rushing into Hawaii, and they will doubtless migrate to this country in large numbers. I heard an intelligent manufacturer from New England, the present minister to Italy, say four years ago that if he were a young man and proposed to establish a manufacturing industry he would go to Japan for its location. The cheapness, intelligence, and efficiency of the labor there would make its competition most potent, if taken within our tariff walls.

FILIPINO COMPETITION.

Now, I have seen in a very thoughtful review of the Philippine Islands, in a statistical abstract presented by the Treasury Department, the statement that the Philippine Islands, with the quickness and adjustability of that race, and with their great resources, will reach out and surpass Japan.

Mr. CARMACK. Will the gentleman please state from what source he derives the statement to which he has just referred?

Mr. NEWLANDS. It is in the abstract of the Bureau of Statistics regarding the Philippine Islands. I have it here. I will read a sentence. It states:

> The Philippines will also play a part in the industries of the future equal to, if not surpassing, Japan

Such information as we can gather points to the conclusion that the natives of the Philippines possess a high degree of intelligence, alertness, and industrial adaptability. They are quick with their heads and their hands, in this respect resembling the Japanese.

Following the annexation of the Philippines there will be a great influx into these islands of American capital, which will be employed partly in the production of sugar and tobacco, affecting thus our own interests in the raising of these staples and partly also in manufacturing industries. At first such industries will be intended only to supply the local demand in the archipelago, but as the aptitude of the natives for pursuits of this kind is developed and the advantages of cheap labor are realized, the business of manufacturing for export to the United States will begin to grow, assuming that there is free trade. Once started, there will be no doubt that it will advance rapidly, trans-Pacific rates of transportation being so low as to offer little hindrance.

The danger will be, under the conditions suggested, that whilst the sugar and tobacco of the Philippines will compete with ours in our own markets, we shall have no compensating opportunity to sell our products there. Probably, instead of buying our manufactures, the Filipinos will ship theirs to us; and if so, the balance of trade will turn largely against us. From our point of view to-day we can hardly imagine the possible extent of this industrial competition or prescribe its limits.

It is probable that at first the natives of the archipelago, if taken inside of our tariff wall, will turn to the production of cotton goods and possibly silk fabrics, but the quickness of their heads and hands will soon enable them to adapt themselves to almost any kind of manufactures.

They may also become dangerous competitors in the growing of cotton, as the islands are well adapted in respect to soil and climate for the production of that staple. For reasons of her own, Spain made it a part of her policy to discourage cotton growing in the Philippines; otherwise it is probable that this industry would already be flourishing in the archipelago. The expectation of the Southern States that the Philippines will open a market for American cotton may never be realized. It is much more likely that they will become rivals in the business of cotton growing, and besides this, if the Constitution applies, the Filipinos will have access to the United States. It has been urged that being accustomed to a tropical climate they will not want to come here, but it must be considered that a large portion of this country has a climate sufficiently warm for the Filipinos, who would not suffer from a change of residence to California, Arizona, New Mexico, and the Southern States.

American labor has been able to maintain itself at its present elevation by the laws limiting and restraining the importation of the products of cheap foreign labor and preventing the wholesale migration of cheap labor into this country from abroad. It can be easily imagined what will be the effect of putting inside of our governmental and industrial system 9,000,000 people possessing a high degree of industrial aptitude and accustomed to a scale of wages and mode of living appropriate to Asiatics.

Such are the evils of incorporating the Philippines into our governmental and industrial system; but let us assume that there are

no constitutional objections to the plans of the imperialists; assume that we can pass discriminating laws restricting the entry of their products and the migration of their peoples to this country, but facilitating the entry of our products and the migration of our people to theirs. Can such a system, founded on injustice, last?

It is contended by no one that there is room for the occupation of these islands by an American population. The climate is unsuited to them, and, besides, the ground is already occupied, not by a barbaric people, such as the Indians, but by semicivilized people owning the land, cultivating the soil, and enjoying the rights of property. Their land can not be occupied by us; it is already occupied by them. All that we can acquire is the right to govern. Do we wish to govern simply for the sake of governing? Our Government, it is clear, can get no advantage, there will be nothing but expense. We can never divert any portion of the revenue of a subject country into our Treasury; that is a system which England herself has long since abandoned. Assuming that the islands will pay their own expenses we will then have the responsibility without profit.

Who, then, will profit? Perhaps the carriers of goods and of immigrants; perhaps those who go there to exploit the cheap labor of the country. How will they exploit it? Simply by raising products in that country with cheap labor that we raise in this country with expensive labor. Their profit will come out of the consumers of this country and at the expense of our domestic producers. If we wish to sell wheat, corn, and agricultural implements, and manufactured goods, is it not better to sell them to sugar producers and tobacco producers upon our own soil rather than pass them by and send such products 7,000 miles away to sugar producers and tobacco growers there?

It should be recollected that we can never buy anything without giving something in return. We lose as much wealth as we acquire. We certainly can not expect to sell more than we buy very long, for if we sell to the Philippines for any great length of time more than we buy, the result would be that the Philippines would be denuded of their money and would be without purchasing power of any kind.

Duty, interest, and constitutional obligation, therefore, all point to the advantage of maintaining the integrity of our governmental and industrial system; of adhering to the humanitarian purpose with which we started out in the war; of pacifying the Philippines as we are pacifying Cuba; of erecting there a stable government under a constitution and laws which will protect the welfare of the Filipinos; of retaining there necessary coaling and naval stations; of cultivating the friendly feeling of the Filipinos, and thus building up an enduring commerce in the Orient upon the solid foundation of justice and peace. [Loud applause.]

Mr. HOPKINS. Mr. Chairman, the bill under consideration provides:

That on and after the passage of this act the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Puerto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries.

It does not provide for free trade between the islands and the United States, but fixes the rate of duty that shall be paid on all imports from Puerto Rico into the United States at 25 per cent of the duties charged on like articles from other foreign ports, and provides also that all articles imported into Puerto Rico from the United States shall only pay 25 per cent of the rate of duty imposed there upon like articles from other foreign countries, with this proviso, that on all articles imported from Puerto Rico into the United States where internal-revenue duty is imposed in this country that the custom duty shall be 25 per cent of the duty imposed on like articles from foreign countries plus the revenue tax levied and collected on the articles produced or manufactured in this country. It will thus be seen that under this bill the question is presented as to whether Puerto Rico and the Philippine Islands, under the treaty of peace entered into between this Government and Spain, become integral parts of the United States or whether they can be treated as territory, and separate and distinct custom laws and internal-revenue laws imposed there from what are levied, collected, and paid in the United States. The issue presented in this bill, as thus briefly stated, is of paramount importance to the people of this country.

The treaty of peace negotiated between the United States and Spain was a great triumph of American diplomacy and American statesmanship. It fixed the terms of settlement at the conclusion of a war the most brilliant of any in the history of our country. There is a destiny that shapes the affairs of nations as well as of men. The American Republic in all of its splendid career has had the favoring countenance of an allwise and just God. Never in its history, however, has the interposition of Divine Providence been more manifest than in our relations with Spain in the late war.

I have neither the time nor the inclination to review in any detail the circumstances which led to the declaration of war against Spain. This is all familiar history, known to every member on the floor, and a subject with which the great mass of our fellow countrymen are entirely familiar. The war was declared by our Government in obedience to an almost universal demand of the American people. Party lines were obliterated, sectional differences forgotten, factional disturbances were laid aside, and the people, almost with the voice of one man, demanded of the Government of the United States not only a declaration of war but the expulsion of Spanish authority from the Western Hemisphere.

In the accomplishment of this great purpose the fortunes of war took Admiral Dewey, in the early hours of the morning on the 1st day of May, 1898, into the harbor of Manila. The brilliant naval engagement which followed eclipsed in splendor any sea fight of ancient or modern times. Lord Nelson, the great British admiral, in all of his wonderful career on the sea, never achieved so brilliant a victory as the one gained by Dewey over the Spanish fleet in Manila Harbor. That great naval battle not only placed Dewey's name among the immortals, but it fixed duties and responsibilities upon the Government of the United States so momentous, so far-reaching, that the wisest and ablest in our midst are unable to agree as to their proper solution. Four problems faced our commissioners when they assembled in Paris to negotiate the treaty of peace with the Spanish commissioners as to what disposition should be made of the Philippine Islands:

First, our Army and Navy could be withdrawn from the islands and Spain again be given the power and authority she was exercising at the time Admiral Dewey's fleet first sailed into Philippine waters. Second, the islands could be given over to the inhabitants themselves. Third, the islands could be taken and divided among European nations. Fourth, the islands could be held by the United States under the terms and stipulations expressed in the treaty of peace. The reasons that were urged by the people of this country for the expulsion of the Spaniards from Cuba were equally potent against our commissioners allowing Spain to reassert her sovereignty over the Philippine Islands. Our duty to humanity, to our own citizens, and the people of those islands demanded that the strong arm of this Government should be maintained there to provide against anarchy, bloodshed, and riot that would inevitably follow the turning of them over to the people themselves under present conditions. No self-respecting American, no lover of his country, ambitious for its future on land and sea, could for a moment think of that great archipelago, with its future possibilities, being turned over to the grasping ambition and avarice of the European nations, who are to-day attempting to absorb the greater part of the Asiatic and oriental trade from America. There was but one thing left for the American commissioners to do, and that was to provide for the cession of those islands to the United States.

The consensus of opinion in this country to-day, Mr. Chairman, approves the wise action of these able and distinguished commissioners. The people of this country unite in their approval of the President's course in all our relations with Spain; and history, I am sure, will vindicate also the wisdom of his course. When war was declared no one dreamed that the far-off Orient would witness the first scenes of hostilities between the two nations. Our thoughts, our expectations, and our hopes were all centered in the fleet that was to blockade Cuban ports, and in the army that was to invade Cuban soil.

The god of war ordained it otherwise, and placed under our naval and military control the islands which are to-day inhabited by millions of people representing various stages of political development, from savagery to civilization. I approve with my whole heart the cession of these islands to the United States, and I do not join with those who indulge in dark forebodings of the future because of the problems which have arisen on account of their acquisition.

I believe that the American Republic is destined to grow in all the elements that make a great nation more rapidly in the future than in the past and that its influence will be marked and potent among all the nations of the earth. I believe that these great results can be brought about without endangering our domestic institutions or without impairing those great principles of liberty and free government that are the heritage of every American citizen. I thank God that I was born an optimist instead of a pessimist; that I can see something good in men rather than evil; that political organizations are formed for the betterment of the people of our country rather than for corrupt purposes and the spoils of office, and that in our Government we can go on increasing our trade, our commerce, our population and wealth, and in all the elements that go to make up a great sovereignty, without impairing any of those conditions so sacred to the fathers of the Republic and so important a factor in the perpetuation of republican institutions.

I believe that the Constitution of the United States is broad enough and elastic enough to enable us to control the inhabitants of those islands and give them a larger liberty and a higher civilization than they have heretofore enjoyed without impairing in

the least the integrity of our domestic institutions or entailing upon our people any additional taxation. I recognize the fact that it would be inopportune to engage in a long and elaborate argument to show what the powers are of our Government and the manner in which they should or can be exercised. I take it, Mr. Chairman, that these questions have been sufficiently discussed to satisfy every fair-minded man that the United States Government has the constitutional power to acquire these islands. If there is any doubting Thomas among us at this late day I would call his attention to the remarks of Chief Justice Marshall in the case of American Insurance Company *vs.* Canter (1 Peters, 542), in which case, speaking for the court, he said:

The Constitution confers absolutely on the Government of the Union the powers of making war and of making treaties; consequently, that Government possesses the powers of acquiring territory, either by conquest or treaty. * * * If it be ceded by the treaty, the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed, either on the terms stipulated in the treaty of cession or on such as its new master may impose.

There are many other decisions of the Supreme Court of the United States which confirm the doctrine here announced. This is practically only asserting the sovereign power of the United States. When England recognized our independence, and we took a place among the sovereign nations of the earth, we took it with all the power and authority that can be exercised by any other independent sovereignty in all this world. The power of acquiring and of disposing of territory is an incident of sovereignty itself.

It could be exercised by the United States Government if there were nothing in the Constitution relating to the subject, but, as this great and eminent Chief Justice said, under the Constitution which unites the separate States into one grand Republic the article which provides for the declaration of war and the making of treaties carries with it the power to either acquire or dispose of territory at the sovereign will of the United States Government. Therefore the President, in authorizing his commissioners to enter into the articles of the treaty of peace between this Government and Spain, to acquire by cession from the Spanish Government Puerto Rico and the Philippine Islands, was simply exercising the sovereign rights inherent in our Government.

No man conversant with international law and familiar with the Constitution of the United States will contend for a moment that the acquisition of those islands was unconstitutional or beyond the power of the Government. As to what our relations to those islands shall be under the treaty of peace is, however, quite a different question. I have been greatly interested in the discussion which has been carried on in this House and in the Senate on this subject. Men whom I believe are honest in their convictions differ widely; some contend that by the very acquisition of those islands they become an integral part of the United States and that the inhabitants, varying as they do from savagery to semicivilization and perhaps to civilization, are guaranteed under our Constitution all the rights, privileges, and immunities that form the sacred inheritance of every American citizen. I have given very careful and anxious thought to that subject, and, speaking only for myself, I am entirely clear as to the status that will be held by the people of those islands and the relations that the islands themselves will bear to the Government of the United States under the Constitution.

You will note, Mr. Chairman, that in the treaty of peace itself our commissioners, with a wise forethought and a display of statesmanship that is creditable indeed, have provided in the ninth article of that treaty that "The civil rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by the Congress," thus leaving the whole question open to be determined by the legislation that shall be enacted by this or future Congresses. I have very pronounced convictions on this subject. I believe that territory acquired by the United States as Puerto Rico and the Philippine Islands have been acquired, under this treaty of peace between our Government and Spain, becomes the property of the United States Government and not a part of it, and that under the Constitution Congress can make such disposition of the islands as the members of the House and Senators may deem for the best interest of the people of this country and the inhabitants of the islands.

I believe, further, that under the reservation in the treaty by which the civil rights and the political status of the native inhabitants are to be determined by Congress we can make such legislation regarding them as we shall see fit, consistent with the principles of our free Republic. I am aware, sir, that in announcing this position I take issue with the great mass of the gentlemen who are opposed to the present Administration and who are seeking to embarrass the Government. But, sir, in assuming the power of the Government both over these islands and the people as well, I am announcing no new doctrine of constitutional law and am asserting no new principle of legislation. These principles which I maintain have been asserted by abler men and maintained by more cogent reasons than I can express. Chancellor Kent, in speaking on this very subject, said:

It would seem from these various Congressional regulations of the Territories belonging to the United States (Territorial regulation acts) that Congress has supreme power in the government of them, depending on the exercise of their sound discretion. That discretion has hitherto been exercised in wisdom and good faith and with an anxious regard for the security of the rights and privileges of the inhabitants as defined and declared in the ordinance of July, 1787, and in the Constitution of the United States. "All admit," said Chief Justice Marshall, "the constitutionality of a Territorial government." But neither the District of Columbia nor a Territory is a State within the meaning of the Constitution or entitled to claim the privileges secured to the members of the Union. This has been so adjudged by the Supreme Court. Nor will a writ of error or appeal lie from a Territorial court to the Supreme Court unless there be a special statute provision for that purpose. * * * If, therefore, the Government of the United States should carry into execution the project of colonizing the great valley of the Columbia or Oregon River, to the west of the Rocky Mountains, it would afford a subject of grave consideration what would be the future civil and political destiny of that country. It would be a long time before it would be populous enough to be created into one or more independent States; and in the meantime, upon the doctrine taught by the acts of Congress, and even by the judicial decisions of the Supreme Court, the colonists would be in a state of the most complete subordination and as dependent upon the will of Congress as the people of this country would have been upon the King and Parliament of Great Britain if they could have sustained their claim to bind us in all cases whatsoever.—*Commentaries*, Vol. I, 385.

Judge Story, one of the ablest judges who ever sat upon the bench of the Supreme Court of the United States, and whose work on the Constitution is a recognized authority in this country and in England, said:

The power of Congress over the public territory is clearly exclusive and universal; and their legislation is subject to no control, but is absolute and unlimited, unless so far as it is affected by stipulations in the cessions, or by the ordinance of 1787, under which any part of it has been settled.—*Commentaries*, section 1328.

I think, sir, that a careful analysis of the decisions of the Supreme Court of the United States will support my contention that the ceded islands become the property of, and not an integral part of, the United States. In support of that position I desire to briefly call the attention of members of the House to what Mr. Justice Bradley said in the case of Mormon Church *vs.* United States (136 U. S., page 42):

The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself and from the power given by the Constitution to make all needful rules and regulations respecting the territory or other property of the United States. It would be absurd to hold that the United States has power to acquire territory and no power to govern it when acquired. The power to acquire territory * * * is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty, and belong to all independent governments. The power to make acquisitions of territory, by treaty and by cession, is an incident of national sovereignty. The Territory of Louisiana, when acquired from France, and the Territories west of the Rocky Mountains, when acquired from Mexico, became the absolute property and domain of the United States, subject to such conditions as the Government, in its diplomatic negotiations, has seen fit to accept relating to the rights of the people then inhabiting those Territories. Having rightfully acquired said Territories, the United States Government was the only one which could impose laws upon them, and its sovereignty over them was complete. No State of the Union had any such right of sovereignty over them; no other country or government had any such right. These propositions are so elementary and so necessarily follow from the condition of things arising upon the acquisition of new territory that they need no argument to support them.

Long prior to the date of this decision Mr. Justice Nelson, speaking for the Supreme Court of the United States in the case of Brenner *vs.* Porter (9 How., 242), said:

They (speaking of Territories) are not organized under the Constitution nor subject to its complex distribution of the powers of government, as the organic law, but are the creations, exclusively, of the legislative department and subject to its supervision and control.

As late as February, 1898, this question was before the circuit court of appeals of the United States for the ninth district, and the doctrine here announced by the Supreme Court in the decisions to which I have referred was reaffirmed by that court. Mr. Justice Morrow, who delivered the opinion of the court, evidently reexamined the whole question and carefully considered all the authorities cited on the subject by the lawyers on both sides of the case and came to the conclusion which I have maintained here to-day, and which has been so tersely and beautifully expressed by Mr. Justice Bradley in the decision to which I have adverted. Mr. Justice Morrow, in speaking for the court, used the following language:

The answer to these and other like objections urged in the brief of counsel for defendant is found in the now well-established doctrine that the Territories of the United States are entirely subject to the legislative authority of Congress. They are not organized under the Constitution, nor subject to its complex distribution of the powers of government as the organic law, but are the creation exclusively of the legislative department and subject to its supervision and control. (Benner *vs.* Porter, 9 How., 235, 242.) The United States, having rightfully acquired the territory, and being the only Government that can impose laws upon them, has the entire dominion and sovereignty, national and municipal, Federal and State. (Insurance Co. *vs.* Canter, 1 Pet., 511, 542; Cross *vs.* Harrison, 16 How., 164; National Bank *vs.* Yankton Co., 101 U. S., 129, 133; Murphy *vs.* Ramsey, 114 U. S., 15, 44, 5 Sup. Ct., 747; Late Corporation of Church of Jesus Christ of Latter-Day Saints *vs.* U. S., 181, 11 Sup. Ct., 949; Shively *vs.* Bowlby, 152 U. S., 1, 48, 14, Sup. Ct., 548.) * * * It may legislate in accordance with the special needs of each locality, and vary its regulations to meet the conditions and circumstances of the people. Whether the subject elsewhere would be a matter of local police regulation or within State control under some other power it is immaterial to consider.

In a Territory all the functions of government are within the legislative jurisdiction of Congress, and may be exercised through a local government or directly by such legislation as we have now under consideration. (Endleman *vs.* United States, 86 Fed. Rep., 456.)

This, I think, is the latest expression on this subject by the courts. Gentlemen will see that it is in line with the spirit of the law as originally announced by Mr. Chief Justice Marshall and later by Mr. Justice Bradley. The members who are interested in the study of this question and who take any pleasure in examining the authorities will find that not only is the opinion rendered by Mr. Justice Morrow correct, but will also find that Mr. Justice Bradley, in the opinion on this subject rendered by him, collects and reviews all the intervening decisions from 1 Peters to the one which was rendered by him and which is published in 136 U. S. Reporter; so that I hazard nothing in saying that the Supreme Court of the United States has held that the acquisition of territory where it is held as territory is the property of the United States. The Supreme Court in 18 Wallace, page 320, said:

During the term of their pupilage as Territories they are mere dependencies of the United States. All political authority exercised therein is derived from the General Government.

Indeed, Mr. Chairman, my examination of this subject has caused me to express feelings of surprise that men question the constitutional status of these people under the treaty of peace, or question the status of the islands themselves, so far as the power and authority of the Congress of the United States over them is concerned. They may rely, however, upon the decisions of the Supreme Court of the United States relating to the right of trial by jury in the Territories, to citizenship, and the apportionment of taxes, etc.

Mr. COCHRAN of Missouri. Will the gentleman allow me to ask him a question?

Mr. HOPKINS. I will yield to the gentleman.

Mr. COCHRAN of Missouri. I want to inquire of the gentleman if he believes that had that part of the treaty for the purchase of Louisiana with France been omitted, could Congress have passed a law interfering with the religious liberty of the people of the Louisiana purchase?

Mr. HOPKINS. I want to say to the gentleman that if there had been no provision of that kind, the power of Congress would have been as unlimited as England in treating her colonies before the war of the Revolution, in the language of Judge Kent, and one as great as she exercises over her other provinces at the present time.

Mr. COCHRAN of Missouri. One further question.

Mr. HOPKINS. I can not yield further.

Mr. COCHRAN of Missouri. It will be very brief.

Mr. HOPKINS. Now, Mr. Chairman, when I was interrupted by the gentleman from Missouri I was attempting to show that under this constitutional provision the treaty of cession became the supreme law of the land, and enabled a person living within the limits of the Territory to invoke the powers of the Constitution in his behalf precisely as he would if he had lived within the limits of a State.

When we come to understand this, we can readily see that the Supreme Court of the United States in passing upon the question as to the right of trial by jury would use language that may be found in those decisions; that when they came to pass upon any of the questions relating to police powers they would use such language as they do without ever assuming the grave proposition that has been announced by the gentlemen on the other side of the Chamber in this debate.

I am well aware that expressions can be found in a number of cases decided by that great tribunal which give color to the position assumed by gentlemen on the other side of the Chamber, who contend that the Constitution ex proprio vigore extends to the Philippine Islands and Puerto Rico. I have carefully studied each of these decisions, and I think when they are properly considered they are in harmony with the position I assume and in harmony with the decisions of the courts which I have cited above in support of the doctrine that these newly acquired possessions are the property of the United States and subject to such legislation as Congress may see fit to enact respecting them. To properly understand those decisions it may be necessary to call the attention of the members of the House to the different treaties negotiated by this country with foreign countries in the acquisition of territory.

The first territory we acquired by treaty was during the year 1803, and is known as the Louisiana purchase. Article III of the treaty negotiated between this country and France reads as follows:

The inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

When it is remembered that by Article VI of the Constitution "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land," it becomes apparent at once that when the treaty from which I have just quoted was approved by the President and the Senate it became the supreme law of the United States and extended to the citizens living within the limits of the Louisiana purchase the rights and privileges of citizens of the States. It is also apparent that this vast territory was acquired by the Government of the United States for the purpose of being incorporated into the Union and giving the inhabitants thereof all the rights, privileges, and immunities of the people of the thirteen original States.

Florida was ceded to the United States by Spain in 1819 under a treaty containing a similar provision to the one just quoted relating to the Louisiana territory. And the treaty by which New Mexico, California, Utah, and the other territory acquired from Mexico was ceded by that country to the United States contained a provision similar to that contained in the treaties concerning Florida and the province of Louisiana. You thus see that by the treaty, which under the Constitution becomes the supreme law of the land, certain rights under the Federal Constitution were conferred upon the inhabitants of the ceded territory. In none of these cases has the court said, independent of any treaty arrangement or act of Congress, that the Constitution ex proprio vigore extends to newly acquired possessions. When we acquired the Alaskan territory, a somewhat different agreement was entered into with Russia with reference to the territory itself and to the people living therein. That treaty, among other things, provided as follows:

But if they should prefer to remain in the ceded territory, they, with the exception of the uncivilized tribes, shall be admitted to the enjoyment of all rights, advantages, and immunities of citizens of the United States, and shall be protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes shall be subject to such regulations as the United States may from time to time adopt in regard to the aboriginal tribes of that country.

From this it is apparent that, aside from the acquisition of the Hawaiian Islands, all of the territory which we acquired prior to the cession of the Philippine Islands and Puerto Rico was under the treaty stipulations which extended to the inhabitants certain of the rights, under the Constitution, of American citizens.

Loughborough *vs.* Blake (5 Wheaton, 317) is the leading case relied upon by those who argue that the Constitution ex proprio vigore extends to all of our newly acquired possessions. That case was decided in 1820. The opinion was delivered by Chief Justice Marshall. It arose out of substantially the following facts: January 9, 1815, Congress passed an act laying an annual direct tax of $6,000,000 upon the several States that formed the United States Republic, naming the States, eighteen in all. The amount was apportioned among them as provided by the Constitution. February, 27, 1815, Congress passed another act which in effect extended the first act to the District of Columbia. A resident of the District of Columbia resisted payment on the ground that the act extending the original act to the District of Columbia was unconstitutional. His property was seized and he brought trespass against the officer making the seizure.

The judgment of the court can be sustained fully on the grant of full legislative power found in Article I, section 8, subsection 17, of the Constitution. In delivering the opinion of the court, however, Chief Justice Marshall used language which implies that the "United States" means the States and Territories. This part of the opinion is conceded by all lawyers to be dictum, and that it is so regarded by the Supreme Court of the United States is apparent from the language of Mr. Justice Gray in the case of Gibbons *vs.* The District of Columbia (116 U. S. Rep., 407). In speaking of the case of Loughborough *vs.* Blake he said:

The point there decided was that an act of Congress laying a direct tax throughout the United States in proportion to the census directed to be taken by the Constitution might comprehend the District of Columbia; and the power of Congress, legislating as a local legislature for the District, to levy taxes for District purposes only, in like manner as the State legislature of a State may tax the people of a State for State purposes, was expressly admitted and has never since been doubted.

Chief Justice Marshall, in his opinion, did not make the distinction which clearly exists that the term "United States" has a dual meaning. One, international, which means the empire of the United States, including the States that exist under the Constitution and all the territory as well. This term is conventional. It is a term that is used the same as we speak of the German Empire, and has no relation to the Constitution itself, which unites the forty-five States into one Federal Republic. In its constitutional meaning the term "United States" relates entirely to the States forming the Federal Republic, and it is in that sense in which it is used in the different provisions in the Constitution itself. As I have already shown, it was unnecessary for the Chief Justice to have used the language he did in upholding the constitutionality of the act in question, and it is apparent also that he did not give the significance to that language which has been given to it by our Democratic friends, from the fact that he was the judge who wrote the opinion in the Canter case, reported in 1 Peters. The Canter case, while it does not in express terms

overrule the dictum of Chief Justice Marshall in Loughborough *vs.* Blake, uses language which is entirely inconsistent with the idea that a Territory, as such, is comprehended within the limits of the Constitution of the United States.

Indeed, Chief Justice Marshall himself, in the case of Hepburn *vs.* Ellzey (2 Cranch, 445), fully determined that a Territory is not a State and not comprehended within the limits of the Constitution. In that case a resident of the District of Columbia brought suit in the United States court for the district of Virginia against a citizen of Virginia. The defendant contended that as a citizen of the District of Columbia he had no authority under the Constitution to bring such a suit. In determining that question Chief Justice Marshall said:

On the part of the plaintiffs it has been urged that Columbia is a distinct political society and is therefore a State according to the definitions of writers on general law. That is true. But as the act of Congress obviously uses the word "State" in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a State in the sense of that instrument. The result of that examination is a conviction that the members of the American Confederacy only are the States contemplated in the Constitution.

Again, in the case of New Orleans *vs.* Winter (1 Wheaton, 92), Chief Justice Marshall uses this language:

It has been attempted to distinguish a Territory from the District of Columbia; but the court is of opinion that this distinction can not be maintained. They may differ in many respects, but neither of them is a State in the sense in which that term is used in the Constitution.

Scott *vs.* Sanford (19 Howard) is another case which is much relied upon by those who hold that our newly acquired possessions must be controlled, if at all, under the provisions of the Constitution. A mere statement of the issue involved in that case, as it seems to me, will determine the fact that it can not be urged as an authority to guide us in the determination of our action in legislating for Puerto Rico and the Philippine Islands. Scott was a slave, and his master took him from Missouri, where he was then a resident, into the State of Illinois and resided there for two years, and then into the Territory of Minnesota and resided there for two years. He then went back into the State of Missouri with his slave, and after he had become again domiciled in the State of Missouri Scott sued in the State courts for his freedom.

The supreme court of Missouri held that it did not possess jurisdiction beyond the territorial limits of the State and that it could not invoke the laws of Illinois or of the Territory of Minnesota to establish his freedom. The case was then taken into the Federal courts, and the only issue presented there and the only issue decided by the Supreme Court of the United States was as to whether that court had jurisdiction of the case. The decision of the court was that it did not possess jurisdiction. Whatever was said outside of that one issue was the dictum of the judge and not the decision of the court. We all know under what political excitement the opinions of the Chief Justice and his associates were delivered. They were simply the expression of political opinions and are not entitled to any weight as judicial expressions. That I am correct in this is apparent from the fact that it has never been relied upon by the courts and rarely has it been referred to in judicial opinions.

American Publishing Company *vs.* Fisher (166 U. S., 464), the Slaughter House Cases, Springville *vs.* Thomas (166 U. S., 707), Thompson *vs.* Utah (170 U. S., 343), and many other cases that I might speak of have been referred to in this debate as supporting the doctrine that our newly acquired possessions have become an integral part of the United States and that the inhabitants thereon are entitled to the protection guaranteed to citizens under our Constitution. Those cases when properly analyzed do not support that contention. That issue was not before the court in any of these cases. The language that has been relied upon is simply the dictum of the justice who prepared the decision for the court. Every person familiar with the decisions of our courts can readily understand that even the judge himself preparing the opinion would not wish to be bound to the exact and literal interpretation of every expression used in the way of illustrating the issue that is determined in the opinion.

All of these cases arose under such different conditions from those that now confront us that it is preposterous to hold that all or any of them are authorities to guide us in legislating for Puerto Rico or the Philippine Islands. I venture the assertion that none of these decisions would have any weight with the Supreme Court, or at the most very little weight, when called upon to decide the constitutionality of the bill which we are now considering. We are confronted in this legislation with the acquisition of territory under different terms from any previous acquisition in the history of the Republic. The location of the islands, climatic conditions, the inhabitants themselves and their known incapacity at the present time for self-government will all have a powerful influence with the court in determining the constitutionality of our action.

It is a maxim not to be disregarded that general expressions in every opinion are to be taken in connection with the case in which those expressions are used. If they go beyond the case they must be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision. The reason of this maxim is obvious. The question actually before the court is investigated with care and considered in its fullest extent. Other principles which may serve to illustrate it are considered in their relation to the case decided, but their possible bearing on all other cases is seldom completely investigated.

This is the language of Chief Justice Marshall in the case of Cohens *vs.* Virginia (6 Wheaton, 264).

In re Ross (140 U. S. Rep., 453) the Supreme Court of the United States upheld a consular court established by Congress in Japan, consisting of a consul and four associates. A person charged with murder on an American vessel in Japanese waters was tried before this consular court without a jury and without any of the safeguards provided by the Constitution. He was found guilty and sentenced to be executed. The sentence, however, was commuted by the President to life imprisonment, and he was sent to the penitentiary at Albany, N. Y., to serve out his life sentence. While he was serving out his life sentence he sued out a writ of habeas corpus and raised the question as to the constitutionality of the court which had tried him, claiming that under the Constitution of the United States he had a right to trial by jury. The court held him to have been properly convicted, and upheld the act of Congress creating the court. This case is in harmony with those which I have already cited in support of the doctrine that Congress is supreme in the territories we have just acquired, and that the civil rights and the political status of the people of those islands can be fixed by Congress independent of any of the provisions or limitations in the Constitution.

In the first case to which I have referred in my remarks here to-day—the Canter case, reported in 1 Peters—Daniel Webster was of counsel in the case. It was a case that arose out of the sale of cotton by order of a Territorial court in the Territory of Florida. Mr. Webster, in his argument, went into a full exposition of the relations of the Territories to the Government of the United States. This, mark you, was in 1828, more than seventy years ago, and only a few years, comparatively speaking, after our Government had been organized under the Constitution. None of the decisions to which I have here referred had been rendered, but Mr. Webster, with that marvelous analytical ability which he possessed, with that knowledge of the Constitution and its proper construction which he always displayed when discussing these questions, contended that the Constitution did not extend over acquired territory; that territory itself was the property of the United States, and that Congress was the supreme power in legislating for such territory.

The treaty of cession by which the United States became possessed of the Territory of Florida was so worded that the Supreme Court was not required to specifically and in exact language determine the proposition as Mr. Webster presented it to the court, but the spirit of that decision was along the line of the argument presented by Mr. Webster. Later decisions, as I have clearly shown here to-day, are all in harmony with the position that that great constitutional lawyer maintained. How comes it, then, that in the closing days of the nineteenth century, and after more than a hundred years of constitutional government, we find men apparently learned in the law who take the opposite position, and who insist that the acquisition of the Philippine Islands under the treaty of peace with Spain makes them an integral part of the United States and gives to the inhabitants there all of the rights, privileges, and immunities of American citizens?

I think I can explain it, Mr. Chairman. These men are resurrecting a doctrine that ought to have gone down forever in the smoke and battle of the civil war. This principle, which has been resurrected for the purpose of creating trouble for this Administration and the Republican party, is simply a doctrine, clothed in a new garb, that was invented by John C. Calhoun, a brilliant intellect, but perverted by disappointed ambition into the narrowest of a State-rights advocate, and the inventor of the nullification doctrine of 1832—the principle upon which the people of the South in 1861 sought to establish a Confederate government. It is one of the old cries for the extension of slavery, resurrected in this arena and at this time to frighten the people of this country in the great emergency which confronts us.

In speaking as I do, Mr. Chairman, of Mr. Calhoun being the father of this doctrine, and that it was a dogma invented in support of slavery, I am following the beaten path that was prepared for all who came after by the most distinguished Senator Missouri ever had in the Senate of the United States, namely, Thomas H. Benton. I crave the indulgence of the House while I read to my Democratic friends what he said. I read from the second volume of Mr. Benton's work, page 712, entitled "Thirty Years' View:"

The resolutions of 1847 went no further than to attempt to deny the power of Congress to prohibit slavery in a Territory, and that was enough while Congress alone was the power to be guarded against, but it became insufficient, and even a stumbling block, when New Mexico and California were acquired, and where no Congressional prohibition was necessary, because their soil was already free. Here the dogma of 1847 became an impediment to the territorial extension of slavery, for in denying power to legislate upon the subject the denial worked both ways, both against the admission and exclusion.

It was on seeing this consequence as resulting from the dogmas of 1847 that Mr. Benton congratulated the country upon the approaching cessation of the slavery agitation; that the Wilmot proviso being rejected as unnecessary, the question was at an end, as the friends of slavery extension could not ask Congress to pass a law to carry it into a Territory. The agitation seemed to be at an end and peace about to dawn upon the land. Delusive calculation! A new dogma was invented to fit the case, that of the transmigration of the Constitution (the slavery part of it) into the Territories, overriding and overruling all the anti-slavery laws which it found there, and planting the institution there under its own wing, and maintaining it beyond the power of eradication either by Congress or the people of the Territory. Before this dogma was proclaimed efforts were made to get the Constitution extended to these Territories by act of Congress. Failing in these attempts, the difficulty was leaped over by boldly assuming that the Constitution went of itself—that is to say, the slavery part of it.

In this exigency Mr. Calhoun came out with his new and supreme dogma of the transmigratory function of the Constitution in the ipso facto and the instantaneous transportation of itself in its slavery attributes into all acquired Territories. This dogma was broached by its author in his speech upon the Oregon Territorial bill. History can not class higher than as a vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself, not even in the States for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress. Slavery, as a local institution, can only be established by local legislative authority. It can not transmigrate, can not carry along with it the law which protects it; and if it could, what law would it carry? The code of the State from which the emigrant went? Then there would be as many slavery codes in the Territory as States furnishing emigrants, and these codes varying more or less, and some of them in the essential nature of the property—the slave in many States being only a chattel interest, governed by laws applicable to chattels; in others, as in Louisiana and Kentucky, a real estate interest, governed by the laws which apply to landed property. In a word, this dogma of the self-extension of the slavery part of the Constitution to a Territory is impractical and preposterous, and as novel as unfounded.

I desire to emphasize the fact that in the whole history of our legislative government no man before Mr. Calhoun, in either branch of Congress, had ever asserted that doctrine. You will mark this, that prior to this time we had acquired the Louisiana territory, Florida, New Mexico, and California; in fact, we had extended our territory from the circumscribed limits of the thirteen original States until we had reached from ocean to ocean; we had acquired an empire in territorial extent, and yet none of the leaders in either of the great political parties ever dreamed for a moment that the Constitution extended itself over it ex proprio vigore as is contended by our Democratic friends to-day. Fortunately for us in the elucidation of this question and the proper construction of the Constitution, Daniel Webster, the great expounder of that instrument, was living and a member of the Senate of the United States when Mr. Calhoun gave utterance to that doctrine which has been so strongly condemned by Mr. Benton.

This was more than twenty years after Mr. Webster had presented his views to the Supreme Court of the United States in the case of Insurance Company *vs.* Canter (1 Peters). It was after his life had been enriched by his experience in the courts of his country, in the Senate, and as Secretary of State. Mr. Webster refuted Mr. Calhoun's position in language to which I desire to call the attention of my fellow-members. His exposition is so lucid and so profound that, in my judgment, it does not leave anything to be said by others.

Let me say that in this general sense there is no such thing as extending the Constitution. The Constitution is extended over the United States and over nothing else. It can not be extended over anything except over the old States and the new States that shall come hereafter, when they do come in. There is a want of accuracy of ideas in this respect that is quite remarkable among eminent gentlemen, and especially professional and judicial gentlemen. It seems to be taken for granted that the right of trial by jury, the habeas corpus, and every principle designed to protect personal liberty is extended by force of the Constitution itself over every new Territory. That proposition can not be maintained at all. How do you arrive at it by any reasoning or deduction? It can only be arrived at by the loosest of all possible construction. It is said that this must be so, else the right of habeas corpus would be lost. Undoubtedly these rights must be conferred by law before they can be enjoyed in a Territory.

Sir, if the hopes of some gentlemen were realized, and Cuba were to become a possession of the United States by cession, does anybody suppose that the habeas corpus and the trial by jury would be established in it by the mere act of cession? Why more than election laws and the political franchises or popular franchise? Sir, the whole authority of Congress on this subject is embraced in that very short provision that Congress shall have power to make all needful rules and regulations respecting the territories of the United States. The word is territories, for it is quite evident that the compromises of the Constitution looked to no new acquisitions to form new territories. But as they have been acquired from time to time, new territories have been regarded as coming under that general provision for making rules for territories. We have never had a territory governed as the United States is governed. The legislature and the judiciary of Territories have always been established by a law of Congress. I do not say that while we sit here to make laws for these territories we are not bound by every one of those great principles which are intended as securities for public liberty.

But they do not exist in Territories till introduced by the authority of Congress. These principles do not proprio vigore apply to one of the Territories of the United States, because that territory, while a territory, does not become a part and is no part of the United States. * * * One idea further upon this branch of the subject—the Constitution of the United States extending over the Territories and no other law existing there. Why, I beg to know how any government could proceed without any other authority existing there than such as is created by the Constitution of the United States? Does the Constitution of the United States settle titles to land? Does it regulate the rights of property? Does it fix the relations of parent and child, guardian and ward? The Constitution of the United States establishes what the gentleman calls a confederation for certain great purposes, leaving all the great mass of laws which is to govern society to derive their existence from State enactments. That is the just view of the state of things under the Constitution. And a State or Territory that has no law but such as it derives from the Constitution of the United States must be entirely without any State or Territorial government. * * * How did we govern Louisiana before it was a State? Did the writ of habeas corpus exist in Louisiana during its territorial existence? Or the right to trial by jury? * * *

Well, I suppose the revenue laws are made in pursuance of its provisions; but, according to the gentleman's reasoning, the Constitution extends over the Territories as the supreme law, and no legislation on that subject is necessary. This would be tantamount to saying that the moment territory is attached to the United States all the laws of the United States as well as the Constitution of the United States become the governing will of men's conduct and the rights of property, because they are declared to be the law of the land, the laws of Congress being the supreme law as well as the Constitution of the United States. Sir, this is a course of reasoning that can not be maintained. The Crown of England often makes conquests of territory. Whoever heard it contended that the Constitution of England, or the supreme power of Parliament, because it is the law of the land, extended over the territory thus acquired until made to do so by a special act of Parliament? The whole history of colonial conquest shows entirely the reverse. Until provision is made by act of Parliament for a civil government the territory is held as a military acquisition. It is subject to the control of Parliament, and Parliament may make all laws that they may deem proper and necessary to be made for its government; but until such provision is made the territory is not under the dominion of English law. And it is exactly upon the same principle that territories coming to belong to the United States by acquisition or cession, as we have no jus coloniae, remain to be made subject to the operation of our supreme law by an enactment of Congress.

I have referred to the manner in which this doctrine was first suggested in this country, and I have not only shown to you the decisions of the Supreme Court of the United States bearing on this subject, but the views of the most distinguished expounder of our Constitution since the formation of the Federal Republic. Let me now call your attention to an able article on this subject from a historical standpoint written by historian McMaster. It is in the December number of the Forum, 1898. The article is well worthy the perusal of every student of American institutions and especially of every man desiring to obtain light on the subject now under consideration. It is written with all the facility of expression and profound research of that able historian. The conclusion he reaches is as follows:

A review of the history of suffrage in the Territories thus makes it clear that foreign soil acquired by Congress is the property of and not part of the United States; that the Territories formed from it are without, and not under, the Constitution, and that in providing them with governments Congress is at liberty to establish just such kind as it pleases with little or no regard for the principles of self-government; that in the past it has set up whatever sort was, in its opinion, best suited to meet the needs of the people, never stopping to ask how far the government so created derived its just powers from the consent of the governed, and that it is under no obligation to grant even a restricted suffrage to the inhabitants of any new soil we may acquire unless they are fit to use it properly.

If my contention be true, Mr. Chairman, that these islands are only the property of the United States and that the inhabitants only acquire such rights as we may give them by legislation, it follows that we can have separate customs and internal-revenue laws for the islands, and navigation laws applicable to that country and distinct from our own, and, in fact, any legislation that will be for the well-being of the people of those islands and of the people of the States. I dissent in toto from the doctrine contended for by some, that our tariff laws and internal-revenue laws must be the same in these islands as they are in the United States. In addition to what I have already said on this subject, I desire to call the attention of the House to the case of Fleming *vs.* Page. (9 Howard, page 603.) Mr. Webster, who was of counsel in that case, in his argument said:

That there was a difference between the Territories and the other parts of the United States. Judges were there appointed for terms of years, which the Constitution forbade as to other parts of the country. Hence the part of the Constitution which directs that duties must be equal in all the ports of the United States does not apply to Territories.

Mr. Chief Justice Taney, in delivering the opinion for the court in that case, said:

This construction of the revenue laws has been uniformly given by the administrative department of the Government in every case that has come before it. And it has, indeed, been given in cases where there appears to have been stronger ground for regarding the place of shipment as a domestic port. For after Florida had been ceded to the United States and the forces of the United States had taken possession of Pensacola, it was decided by the Treasury Department that goods imported from Pensacola before an act of Congress was passed erecting it into a collection district and authorizing the appointment of a collector were liable to duty. That is, although Florida had, by cession, actually become a part of the United States, and was in our possession, yet under our revenue laws its ports must be regarded as foreign until they were established as domestic by act of Congress; and it appears that this decision was sanctioned by the Attorney-General of the United States, the law officer of the Government.

And although not so directly applicable to the case before us, yet the decisions of the Treasury Department in relation to Amelia Island and certain ports of Louisiana, after that province had been ceded to the United States, were both made upon the same grounds. And in the latter case, after a custom-house had been established by law at New Orleans, the collector at that place was instructed to regard as foreign ports Baton Rouge and other settlements still in the possession of Spain, whether on the Mississippi, Iberville, or the seacoast. The Department in no instance that we are aware of since the establishment of the Government has ever recognized a place in a newly acquired country as a domestic port from which the coasting trade might be carried on unless it had been previously made so by act of Congress.

The principle thus adopted and acted upon by the executive department of the Government has been sanctioned by the decisions in this court and the circuit courts whenever the question came before them. We do not propose to comment upon the different cases cited in the argument. It is sufficient to say that there is no discrepancy between them. And all of them, so far as they apply, maintain that under our revenue laws every port is re-

garded as a foreign one unless the custom-house from which the vessel clears is within a collection district established by act of Congress and the officers granting the clearance exercise their functions under the authority and control of the laws of the United States.

The enemies of national expansion have created in their imagination a bogy man and with him are trying to frighten the laboring people of this country; they are assuming that the people of that distant and tropical climate will come to the cold regions of the North and drive out our laboring men with their cheap labor. A more groundless argument was never urged. It is almost fantastical when you consider it in its true light. There is not a Malay in this country to-day, and there will not be one an hundred years from now. Why? Because the climatic conditions are such that they will prefer to stay in their own country; they will secure a larger liberty under the administration we shall give them in their own islands than they have heretofore enjoyed, and will remain there instead of coming here to compete with American labor.

But, as I have stated, the treaty of peace under which we have acquired this territory leaves it with the Congress of the United States to provide against any of the contingencies that have been conjured up by the ingenuity of these Democratic speakers who are seeking to throw a stumbling-block in the way of this Administration in the discharge of the responsibilities which it has had thrust upon it by the fortunes of war. We can provide a system of government that will be adapted not only to the conditions of the islands from a climatic standpoint, but adapted to the state of political development of the people. What is important for us now is to demonstrate to them and to the world that America is united in her efforts to maintain peace and order in this territory. They in time will come to understand, as will all the world, that the form of government that we establish in these islands will start the people on an era of progress which has been unknown in their history.

While this is being done it will be necessary for us, in the interest of humanity and the people themselves, to have a stable form of government there and an army sufficiently large to police the islands and drive out freebooters, whether under the leadership of Aguinaldo or any other military or political adventurer. I have grown tired, Mr. Chairman, in listening to the arguments of gentlemen on the other side of the Chamber when they talk about "imperialism," and that an increased Regular Army will stifle the liberty of our countrymen. But when I reflect on the history of my country and note the arguments of ill omen that have ever been addressed to the people when new territory has been acquired, I content myself in the belief that the notes of alarm sounded by the Democrats will fall on deaf ears, as they did on the deaf ears of the fathers of our country, who believed that the acquiring of new and additional territory, instead of weakening, would strengthen the Republic and aid it in its manifest destiny in the elevation of mankind. While these arguments of the pessimists have ever found ready expression with a certain class of public men from the time of the acquisition of the Louisiana territory to that of the Hawaiian Islands, it certainly sounds strange coming from the lips of Democrats.

The patron saint of the Democratic party is Thomas Jefferson, and yet, Mr. Chairman, he was the greatest territorial "expansionist" this Government has ever known. When the opportunity was presented to him by the first Bonaparte to acquire that magnificent empire known as the Louisiana Province, out of which have been carved some of the richest and most populous of our States, did he hesitate? Not a moment! He believed then, as we know now, that the acquisition of that territory would raise the American Republic from the condition of a fourth-rate power to that of a first-class power among the great nations of the world. In our youth and weakness, with an impoverished Treasury, with small means for raising revenue, he authorized his commissioners to pay the French Government the sum of $15,000,000 for this territory. Is there a man within the sound of my voice to-day who believes that Mr. Jefferson made a mistake in the acquisition of that territory? Is there a man to-day, in the light of our history, who believes that the principles of free government were weakened by the acquisition of this new territory, containing as it did a population who were strangers to our constitutional Government and enemies to our free institutions? And yet, Mr. Chairman, some of the best minds of that day believed as fully as our Democratic friends profess to believe to-day that the acquisition of the Louisiana Territory would work the destruction of the American Republic.

Let me read to you a few sentences from Fisher Ames, one of the most distinguished Federalists of New England, one of the most accomplished men of his time, and one of the most brilliant and fascinating orators that ever addressed an audience:

Now, by adding an unmeasured area beyond that [the Mississippi] river we rush like a comet into infinite space. In our wild career, we may jostle some other world out of its orbit, but we shall, in every event, quench the light of our own. * * * Having bought an empire, who is to be emperor? The sovereign people, and what people? All, or only the people of the dominant States, and the dominant demagogues in those States, who call themselves the people? As in old Rome, Marius, or Sylla, or Cæsar, Pompey, Antony, or Lepidus will vote themselves provinces and triumphs. * * * But surely it exceeds all my credulity and candor on that head to suppose even they can contemplate a republican form as practicable, honest, or free, if applied when so manifestly inapplicable to the Government of one-third of God's earth.

Mr. Josiah Quincy, of New England, at one time president of Harvard University, and at another time one of the most distinguished men of this body, had this to say in opposition to the acquisition of the Louisiana Territory:

Under the sanction of this rule of conduct, I am compelled to declare it as my deliberate opinion that if this bill passes the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations, and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation, amicably if they can, violently if they must. * * * Do you suppose the people of the Northern and Atlantic States will or ought to look upon with patience and see Representatives and Senators from the Red River and Missouri pouring themselves upon this and the other floor, managing the concerns of a seaboard 1,500 miles at least from their residence, and having a preponderancy in councils into which constitutionally they could never have been admitted? I have no hesitation on this point. They neither will see it nor ought to see it with content. * * * Grasp not too eagerly at your purpose. In your speed after uncontrolled sway, trample not down this Constitution. * * * I have no concealment of my opinion. The bill, if it passes, is a deathblow to the Constitution. It may afterwards linger, but, lingering, its fate will at no very distant period be consummated.

This language of Fisher Ames and Josiah Quincy is as doleful in character as the prophecies which have been expressed by gentlemen on the other side of this Chamber in relation to the Philippine Islands. Mr. Chairman, it is my deliberate opinion that their statements and their prophecies are as ill-timed and their forebodings as little likely to prove true as were those of the opponents of the acquisition of the territory of Louisiana at the period of which I have just spoken. I believe that the United States Government is entering upon a new era of greatness, of expansion, and of glory. The Constitution possesses the elasticity of the fabled tent of the Arab. It was framed and adopted for the government of the thirteen original States, yet it has expanded over a continent. The 75,000,000 people who now live within its borders have the same liberty, the same sacred rights, and the treasured inheritance of free government that were guaranteed by the framers of the Constitution to the people of the thirteen original States.

Under the interpretation that has been given to it by the great legislators of our country and the Supreme Court, the Constitution will enable us to acquire this territory in the Orient, and if we are as wise as those who have preceded us, will enable us to give those people rights of free citizens without infringing in the least upon the privileges and immunities of our own people. I maintain, as I have already stated, that a government can be formed in the Philippine Islands that will be self-supporting through the customs laws that we shall give them and the internal-revenue laws that will follow; and instead of having a standing army of American soldiers there, we can follow the wise example of Diaz in Mexico, who has taken the brigands from the mountains and made them soldier citizens, and has thereby secured the best police officers in the world. We can take native inhabitants for whatever soldiers may be needed and officer them with men trained in our Regular Army and thus insure peace and tranquillity in the islands. By this method, Mr. Chairman, the United States Government will place no new burdens upon our people. Our acquisition of those islands and our government of them will open a wider avenue for our trade. The surplus products of our farms and factories will find a market there and in the far east which would otherwise remain closed to us were the reactionary doctrine advocated by Democratic members of this House and the Senate to be adopted and followed.

Mr. Chairman, the President of the United States has stood forth through all of the great crises of the war and the problems that have followed it as one of the greatest statesmen of his time. He has shown qualities that have not only aroused the admiration of his political enemies, but that have even surprised his personal and political friends. From the first notes of war to this blessed hour every step that he has taken has been so well timed as not only to represent the prevailing sentiment of the Republic, but has been so wisely taken that history will vindicate his every action. [Applause on the Republican side.] Men may stand on this floor and denounce him, but when the grave of oblivion shall have closed over them his name will be recorded in the brightest pages in the history of our Republic. It falls to the lot of those who hold exalted positions to have detractors. He is only experiencing what was meted out to the sainted Lincoln during his Administration from the venomous lips of the political enemies of his party and policy.

History almost repeats itself in many of the expressions that have been indulged in by gentlemen on this floor in their discussion of the questions now under consideration. For the benefit of those men who to-day are denouncing President McKinley and insisting that his attitude is indefensible, I wish to call their attention to some of the expressions that their Democratic predecessors used during the dark and stormy period of the civil war. Senator

Polk, on the 10th of July, 1861, in the Senate of the United States, said, in discussing war measures:

That war has been brought on by the President of the United States of his own motion and of his own wrong; and under what circumstances?

Mr. Vallandigham, on the same day, in the House, said:

I will not now venture to assert what may yet some day be made to appear, that the subsequent acts of the Administration and its enormous and persistent infractions of the Constitution, its high-handed usurpations of power, formed any part of a deliberate conspiracy to overthrow the present form of Federal republican government and to establish a strong centralized government in its stead.

Senator Breckinridge, in the Senate, said:

Then, Mr. President, the Executive of the United States has assumed egislative powers. The Executive of the United States has assumed judicial powers. The executive power belongs to him by the Constitution. He has, therefore, concentrated in his own hands executive, legislative, and judicial powers, which in every age of the world has been the very definition of despotism, and exercises them to-day.

Mr. Burnett, in the House, on July 16, 1861, said:

I say the Republican party will be held responsible for the unhappy condition of our country to-day. I say, in my place here now, that the only disunionists per se this country has ever been cursed with are the leaders of the Republican party.

Again, on July 24, 1861, he said:

You are writing, by indorsing and ratifying the illegal acts of this Administration, one of the saddest, blackest pages in the history of this country.

Mr. Voorhees, of Indiana, on February 20, 1862, said:

A stupendous fraud has been practiced on the nation, and the Army of the United States has been obtained by fraud.

On May 21, 1862, Mr. Voorhees said:

Is this the age of republican simplicity, or are we transported to the days of fraudulent usurpers, to the unhallowed scenes of the Roman Cæsars?

Senator Davis, on February 16, 1864, said:

But in our free and limited government of a written constitution, President Lincoln and his party, in utter disregard of its limitations and restrictions, are making for him the same boundless and despotic powers * * * which the Plantagenets and Tudors and first Stuarts contended for in England.

I read these extracts from speeches made by Democrats of a former generation to show to the Republicans of this House that in pursuing the policy that has been outlined by our party and in sustaining the Administration we are subjecting ourselves to no fiercer criticisms than those hurled against the first President the Republican party gave to this country. We have nothing to fear from these base and groundless charges. Our duty, in my judgment, is clear, and that is, to fearlessly and conscientiously provide for the great emergency that has been placed upon us by this war with Spain. [Applause on the Republican side.] Let us discharge our duty with a firmness and intrepidity that characterized the action of our fathers when the dark cloud of civil war overhung our national horizon, and the people of to-day will as surely approve our conduct as did the people of a generation ago approve the conduct of President Lincoln and his advisers when they were exercising every power of the Constitution for the maintenance of the Union and the integrity of our Federal Republic. [Prolonged applause.]

Mr. SWANSON. Mr. Chairman, the President, in his annual message to Congress, told us that it was "our plain duty to abolish all customs tariff between the United States and Puerto Rico, and to give to her products free access to our markets." He forcibly pointed out the reasons that made this duty imperative.

Following this, Mr. PAYNE, the chairman of the Committee on Ways and Means and the leader of the Republican majority of this House, introduced a bill carrying out the recommendations of the President. At that time there was practical unanimity in both the Democratic and the Republican party that the reciprocal benefits of free trade should exist between Puerto Rico and this country. But in the last few weeks the entire policy of the Republican party in dealing with this matter has been reversed. The "plain duty" so pointedly presented by the President has ceased to exist, and a different idea of justice, of right, and of wisdom seems now to possess him and his party.

Mr. POWERS. Will the gentleman yield for a question?

Mr. SWANSON. I will.

Mr. POWERS. I understand the gentleman to intimate that the President had changed his attitude.

Mr. SWANSON. I simply say that those in authority have made the statement that he has changed it. I hope he has not.

Mr. POWERS. Has any authorized statement come from him?

Mr. SWANSON. I have seen none emanating from him.

There has been no change in the conditions of Puerto Rico or of this country to produce this change in the President's mind or in that of his party. The unfortunate people of that island are still immersed in poverty and in wretchedness and still have denied to them the markets of the world for the sale of their products. Every reason assigned in the President's message for free trade with Puerto Rico exists with redoubled force to-day. If at that time it was "our plain duty" to extend them free trade, it is doubly so to-day.

Why, then, sirs, this sudden change of policy in dealing with Puerto Rico? Why is our acknowledged "plain duty" now abandoned and this oppressive bill sought to be forced upon a helpless people? Is it a patriotic or is it a political condition that has wrought this wonderful change?

There is not an intelligent or a candid mind in this country that does not know that this change has been induced by the political necessities of the coming Presidential election.

We are told by the inspired and the well informed that this measure is not intended to be permanent and that in the not far distant future free trade with Puerto Rico will be established.

We are told that this bill is intended as a precedent to establish the doctrine that Congress has the power to create different custom duties in our new possessions from those existing in this country.

We were told by those representing the sugar and the tobacco interests, when they appeared before the Committee on Ways and Means, that they insisted upon the custom duties on the products of Puerto Rico not because any serious evils could accrue to this country through any importations from there, but because they are afraid that unless duties are imposed upon Puerto Rican products, it will be used as a precedent for granting free trade with the Philippine Islands, which they greatly fear.

We are told by Republican politicians and newspapers that unless these custom duties are imposed upon Puerto Rico, it will be argued during the Presidential campaign with force and effect that the same policy will be pursued with the Philippine Islands, and that this might result in the loss of a great many votes to the Republican party.

Thus, Mr. Chairman, it is evident that this bill has its inspiration not in justice, not in right, but in selfishness and in petty partisan politics.

A "plain duty" is to be abandoned for a supposed party advantage. One million of unfortunate people whom the fate of war has placed completely at our mercy are to be sacrificed and denied justice and right because it is thought by some that the exigencies of the Republican party require it.

Mr. Chairman, when this bill passes it will be the first chapter in the legislative history of our new possessions, and be it said to the disgrace of the Republican party that that chapter was written in wrong and in injustice for the purpose of carrying a Presidential election.

If we are to extend our possessions and inaugurate a colonial system, wisdom dictates that it should begin in justice, liberality, and equality. But if our colonial policy must be dominated by partisan party politics, as this bill indicates, it can but commence in disgrace and terminate in disaster.

And we are told, again, that the bill must be passed to establish a certain principle.

What is that principle so dear that this bill must pass to vindicate? Is it proposed to establish the doctrine that Congress has unlimited power of legislation for the new possessions, unrestrained by any of the provisions of the Federal Constitution, and that it can entirely disregard the provision of the Constitution requiring uniformity of custom duties throughout the United States, and that it can establish any rate of duty it sees fit between the States and the territories or possessions?

In short, the doctrine claimed is that the inhabitants of Puerto Rico and of the Philippine Islands are slaves of the imperial will of Congress, and in life, in liberty, and in property are entirely subject to its decrees.

This is the pernicious doctrine proposed and sought to be established by the Republican party.

Mr. Chairman, this is no new doctrine in American history. This Republic owes its birth to the effort on the part of the British Parliament to establish precisely the same principle.

The principles here maintained by the opposition are in every respect similar to those contended for at the time of the American Revolution by George III. The issues are the same. The reasons given are the same.

At that time it was claimed that the British Parliament was absolute sovereign in America; that Parliament had a right to impose any tax it wished in America; that it could regulate the conditions upon which American goods should enter the British markets, and also the conditions upon which British goods should enter the American markets.

It was contended that the British constitution, with its safeguards and its inestimable privileges, did not extend to America; that the Americans were but absolute subjects of the British Parliament.

To carry into effect these pernicious principles, the British Parliament passed the infamous stamp act. The speeches in Parliament in advocacy of that measure bear a striking resemblance to those delivered by the opposition in behalf of this bill.

Lord Grenville, in that debate, said that the purpose of the stamp act was "to establish the undoubted authority of the British legislation in all cases whatsoever."

The advocates of this bill claim that its purpose is to establish

in our possessions the undoubted authority of the American Congress in all cases whatsoever.

But the similarity does not cease here. To make the iniquitous stamp act tolerable to the Americans, it provided that the revenue derived from it should not be remitted to England, but should be retained and expended in America.

So this bill provides that the sum collected under it shall be expended in Puerto Rico. Hence the Puerto Ricans are told, as were our forefathers, that this makes the bill eminently just and wise.

The person who drew this bill must have had before him the infamous stamp act and must have used it as a prototype for this iniquitous measure.

The able gentlemen who have argued in favor of this measure and of the power of Congress must have had their minds illumined and their views strengthened by reading the speeches of Lord Grenville, of Lord North, and of Charles Townshend in speaking in advocacy of the stamp act and of the power of the British Parliament.

Mr. Chairman, in contradistinction to these pernicious British contentions, our forefathers maintained that taxation and representation went hand in hand; that all government derived its just powers from the consent of the governed, and that they were British subjects, entitled to all the benefits of the British constitution.

The two great leaders in this contention were George III on the one side and George Washington on the other.

It was thought that at least in America the fight was forever and finally settled in favor of George Washington and of his inestimable principles, but it seems that those who believe in the principles of George III are to-day in authority and in power in the United States. His iniquitous doctrines, his pernicious principles of parliamentary despotism, reappear in the American Congress to-day in this bill, which is sanctioned and supported by the Republican party. When the roll is called upon this bill every Representative must answer whether he is a follower of George III or of George Washington. [Applause.]

Mr. Chairman, the injustice of this bill is equal to that sought to be inflicted by the British upon the Americans at the time of the Revolution. This bill fixes the terms upon which the goods and products of Puerto Rico can be offered for sale in the markets of this country and also the terms upon which the people of Puerto Rico must purchase our goods. Thus we claim the power of controlling their sales to us and also their purchases from us. This is a dangerous power which no nation should possess over another and one which will always be abused for the enrichment of the nation possessed of the power. This bill itself furnishes a striking instance of how such power will invariably be used.

Now, tobacco is one of the chief products of Puerto Rico. While Puerto Rico was a Spanish possession the markets of Cuba and of Spain were open to her and consumed the entire product of Puerto Rican tobacco. Since her annexation to this country the markets of Cuba and of Spain have been closed to her products, and now Puerto Rico can look to this country alone for a market for her 4,000,000 pounds of tobacco. This tobacco is used entirely in the making of a good grade of cigars. By this bill a duty of 8½ cents will be imposed upon each pound of her tobacco that is brought here in a raw or unmanufactured state. Under this bill, if this same tobacco is manufactured into cigars, cheroots, or cigarettes in Puerto Rico and imported into this country, it will be compelled to pay in customs duties and internal-revenue taxes $3.13 per pound. Thus by this bill thirty-five times more is charged in customs duties and taxes on cigars than on the raw leaf. Thus the bill, if it gives any protection, gives scarcely any to the farmers and producers of tobacco in this country, but extends it all to the cigar manufacturers.

Mr. LACEY. Will the gentleman allow me to ask him a question?

Mr. SWANSON. Yes.

Mr. LACEY. Is not that simply the internal-revenue tax?

Mr. SWANSON. No; I will explain that to you.

Mr. LACEY. I should like to have the gentleman explain it.

Mr. SWANSON. They charge 25 per cent under the Dingley bill as a customs duty, and the bill provides in addition to that that they shall pay the internal-revenue tax as a customs duty, and then it has to pay the internal-revenue tax as an internal-revenue tax when it comes into this country, making $3.13 per pound.

Mr. LACEY. I do not understand it in that way.

Mr. SWANSON. The purpose of this is plain and evident. The clear intention of the bill is to force all of the leaf tobacco raised in Puerto Rico to be imported into this country and to be here manufactured into cigars. Its purpose is to close every cigar, cheroot, and cigarette factory in Puerto Rico and to transfer them to this country. The sinister motive behind this bill is to discourage and to destroy any manufacturing developments in that island. It intends to confine the 1,000,000 people in that unhappy island to raising raw materials to be imported here for the purposes of manufacturing.

Mr. Chairman, this is an outrage. It is precisely the same iniquitous policy that Britain sought to inflict upon the American colonies when we rebelled and refused to submit.

In Puerto Rico there are about 300 people to every square mile, and the island will be powerless to support its vast population unless permitted to embark in manufacturing enterprises. The clear purpose of this bill and of the Republican party is to prohibit this.

While this bill will require the payment of $3.13 for every pound of their cigars seeking our markets, yet it opens their markets to our cigar makers on the payment of only $1.13 per pound. This is such an inequality that it should shock every person's sense of justice and right. The shame becomes deeper when we reflect that the act is directed against a helpless people who can only protest, but must submit.

We are told by the eloquent advocates of the new imperialistic policy that we hold "a trusteeship under God" to care for, develop, and direct the destiny of these people. What a splendid illustration is here given of the discharge of this high trust. At the very first opportunity the so-called "divinely appointed trustees" despoil the dependent wards. [Applause.]

Sir, this Government interfered in Cuba and in Puerto Rico because Spanish injustice and despotism had become intolerable. So, if I mistake not, the American people consented to shed the precious blood of their sons and to spend vast treasures to relieve an oppressed people, and not to become heirs of the vicious Spanish system.

What has been the conduct of our Government toward the inhabitants of Puerto Rico? We found there a peaceful community and comparatively a prosperous people. They possessed in Cuba and in Spain ample markets at which to sell, at a remunerative price, their three chief products—coffee, sugar, and tobacco. They enjoyed a large share of local self-government and had representatives in the Spanish Cortes.

To-day all the markets of the world are closed to them and they are deprived of all the opportunities by treaty or otherwise of securing them. Their products can find no sale. To-day discontent and depression everywhere pervades the island. Debts aggregating more than $50,000,000 burden these people. All industries are destroyed; all business paralyzed. Thousands of people are in the depths of starvation, and all are on the verge of bankruptcy. For nearly two years we have deprived this people of all civil government and held them by the stern iron hand of military rule alone.

Amid all these privations there was one hope that illumined the darkness and gave these people patience. They felt that they were a part and parcel of this great Republic and that they would soon receive its blessings and benefits. They relied implicitly upon being treated with justice and liberality. With the passage of this bill must come disappointment, bitter and deep. By this bill, in their trade and commerce, they are treated as foreign territory and not as a part of the Union. By it they are made not citizens of a republic but creatures of a Congressional despotism. By it they perceive that, being deprived of uniformity in taxation and customs duties with the rest of the Union, all of their earnings and products will be subject to the depredations of any selfish interest that may have political pull sufficient to influence Congress.

Behold what a contrast is presented between the proposed treatment of Hawaii and that of Puerto Rico. There is scarcely any objection from any source to extending free trade to Hawaii. In other words, the 300,000 tons of sugar produced in Hawaii by Spreckles, the sugar king, with his contract laborers or slaves, shall have free and open sale in our markets yet the 60,000 tons of sugar produced in Puerto Rico by thousands of small farmers and laborers can be sold in our markets only by the payment of heavy duties.

What causes this great difference? Certainly it can not be inspired by any principle of protection, for there is greater danger to the sugar interests of this country from the 300,000 tons of Hawaii than from the 60,000 tons of Puerto Rico.

No, Mr. Chairman, be it said to the shame of the Republican party, the difference arises from the fact that the sugar interest of Hawaii is owned by a few millionaires, whose voice is potential in the councils of the Republican party, while that of Puerto Rico is owned by thousands of poor, dependent persons without political influence. [Applause.] This favoritism must produce great dissatisfaction and discontent in Puerto Rico, and justly so. But, say the opposition, the inhabitants of Puerto Rico should acquiesce. Why, say they, are we not their imperial masters? Have we not, in exercise of our despotic power, the right to give to some and to withhold from others? As divine sovereigns, say they, have we not the right to select favorites and to shower them with all the favor and benefits and at the same time make others feel the crushing hand of our power?

This is imperialism. This is the new mission and the aspiration

of the Republican party. Sirs, those who are behind this bill and who imagine that they can induce the American people to adopt this policy by the opportunities afforded to despoil the people of our new possessions, do not read aright the American character and are forgetful of the glorious traditions of our history.

Mr. Chairman, the people of this great Republic are a broad-minded, generous-hearted people, with an acute sense of justice and of right. They will visit with severe condemnation any party or set of men who wantonly oppress a helpless people.

They embarked in the Spanish war to become the liberators of an oppressed people and not the despoilers of a dependent people. They cling with filial affection to their Federal Constitution, which with its broad justice insures to all parts of this great Republic uniformity and equality of burdens, uniformity and equality of benefits. [Applause.]

But, Mr. Chairman, it is said that this bill is intended more to establish a precedent to control us in our future dealings with the Philippine Islands than anything else.

This being true, it is eminently wise that this bill should be promulgated there among the insurgents as a measure of pacification. I have no doubt that the sweet justice of this bill would make a profound impression upon Aguinaldo and his followers, and that it would give them a higher conception of the noble purposes of the American people toward them. No doubt all resistance there would cease when they are told that they are chattels of the American Congress, subject in life, in liberty, and in property to its imperial will; that they are possessed with none of the safeguards of the Constitution with which all other citizens are endowed. No doubt the few friends we now have in the Philippine Islands will have their affections further cemented when they are informed that the American Congress will fix the terms upon which their products are sold here, and also the terms upon which they must purchase ours. I have no doubt that there will be an immense acclaim in those islands for America when it is understood that the justice and equality administered under this bill to Puerto Rico is mild in comparison with what they may expect for themselves.

Mr. Chairman, in all seriousness, to at this time push a bill of this kind and character is the supreme of folly.

We are endeavoring to overthrow an insurrection in the Philippine Islands. We are seeking to make friends there to our cause by profuse promises of justice and of fair dealing. With these promises on our lips, we deal with our strong arm a grievous wrong to a helpless and an unoffending people in Puerto Rico, a people who during the late Spanish war received us with open arms and to whom we promised all the benefits and blessings of our institutions.

This bill, Mr. Chairman, will do more to fire anew the smouldering flames of insurrection in the Philippine Islands than anything else that has happened since we first put foot upon her soil.

How can we expect a people to yield when they are told that they will be possessed of none of the privileges of our Constitution, none of the guaranties of our Bill of Rights, none of the benefits of our institutions, but that they are slaves of our imperial will and must bear such burdens as our selfishness or caprices may impose?

Mr. Chairman, the Republican party has been responsible for many political heresies; it has promulgated many pernicious principles; but nothing in its past history can transcend in dangerous import its new doctrine of "government without the Constitution."

The Republican party is tired of the Federal Constitution, and desires to exploit our new possessions without its restraints. Hence this party stands to-day committed to the doctrine that the Federal Constitution applies only to the States of the Union, and not to its Territories or other possessions.

It contends that section 3, Article IV of the Constitution, providing that "Congress shall have power to dispose of and make all needful regulations respecting the territory and other property belonging to the United States," gives Congress unrestricted power of legislation for the Territories. But this contention can not be maintained. The Supreme Court has repeatedly held that while the power of Congress to legislate for the Territories is full and plenary, it must be subject to the guaranties, restraints, and provisions of the Federal Constitution.

Chief Justice Taney, in the Dred Scott case, says:

> The Territory being a part of the United States, the Government and the citizen both enter it under the authority of the Constitution with their respective rights defined and marked out; and the Federal Government can exercise no power over his person or property beyond what that instrument confers nor lawfully deny any right which it has reserved.

Chief Justice Waite, in National Bank *vs.* Yankton (101 U. S., 132), in discussing the power of Congress over territory, says:

> But Congress is supreme, and for the purpose of this department of its governmental authority has all the power of the people of the United States, except such as has been expressly or by implication reserved in the prohibitions of the Constitution.

In Reynolds *vs.* United States (98 U. S., 162) the court said:

> Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

In Springville *vs.* Thomas (166 U. S., 707), a case from the Territory of Utah, the court said:

> In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases. The act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

In Thompson *vs.* Utah (170 U. S., 346) Justice Harlan says:

> That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

In Murphy *vs.* Ramsey (114 U. S., 15) the court says:

> The people of the United States as sovereign owners of the National Territories have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

If there were further doubt that the Constitution of the United States extends to all territory subject to the authority of the United States, it would be removed by the case of Callan *vs.* Wilson. (127 U. S., 550.) Congress had passed an act permitting justices in the District of Columbia to inflict punishment in certain cases without providing for jury trial, as guaranteed in the Federal Constitution. It was insisted by Callan that the act was void, being repugnant to the Federal Constitution. It was insisted by the Attorney-General that Congress had unlimited power over the District, and that the provisions of the Federal Constitution could not restrain it, since section 8, Article I of the Constitution, in enumerating the powers of Congress, provided—

> To exercise exclusive legislation over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States.

Yet the court held that Congress did not have power to legislate for the District, unrestrained by the Federal Constitution, but that the Constitution extended over the District, and that the act of Congress in permitting the infliction of punishment without jury trial was contrary to the sixth amendment, hence void.

The doctrine that the Constitution extends to the Territories is further settled by decisions upon section 8, Article I of the Constitution, which provides:

> But all duties, imposts, and excises shall be uniform throughout the United States.

The meaning of this provision and the extent of its application have been fully determined by the Supreme Court of the United States. Chief Justice Marshall, in Loughborough *vs.* Blake (5 Wheat., 317), in rendering the opinion of the court upon the question, says:

> The eighth section of the first article gives Congress the power to lay and collect taxes, duties, imposts, and excises for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are, "but all duties, imposts, and excises shall be uniform throughout the United States."
>
> It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does the term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary on the principles of our Constitution that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

The case of Cross, etc., *vs.* Harrison (16 Howard, 164) is equally as decisive in determining that in our new possessions the imposts, duties, and excises collected there must be uniform with those in the States. The facts in that case are as follows: The treaty of peace was made between the United States and Mexico on the 3d of February, 1848. By that treaty California was ceded to the United States. As soon as this was done the Government authorities at Washington directed their subordinates in California to at once collect the customs duties there on goods from foreign countries, as provided by the laws of the United States.

Congress did not pass the act extending the custom laws of the United States to California and designating therein a port of entry until the 3d of March, 1849. Between the 3d of February, 1848, and the 3d of March, 1849, Cross brought to the port at San Francisco goods upon which Harrison, the Government subordinate, demanded payment of duties under the laws of the United States. Cross paid under protest and afterwards brought suit to recover the amount paid. His contention was that the custom laws of the United States did not extend to California until the act of Congress extending them was passed; hence the amount was illegally collected, having been paid before the act was passed. The courts held that the custom laws extended to California as soon as it was ceded, and therefore the amount was properly collected.

In delivering the opinion in this case Justice Wayne says:

To permit these goods to be landed in the port at San Francisco would be a violation of that provision of the Constitution which enjoins that all duties, imports, and excises shall be uniform throughout the United States. Indeed, it must be clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other parts of the United States. * * * That the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States after those had ceased which had been instituted for its regulation as a belligerent right.

Mr. Chairman, the overwhelming weight of authorities and of decisions of our Supreme Court maintain the proposition that all territory belonging to the United States is held under and subject to the Constitution; that Congress has not despotic power in legislating there, but that it must be controlled by the constitutional limitations and restraints.

Besides being the legal interpretation, it is decidedly the wisest interpretation. If the doctrine of the opposition prevails, there can be no enlargement of our territory except by force of arms. No nation will willingly consent to unite her destiny with ours when they clearly understand that they are possessed of none of the privileges and immunities of our Constitution, but are mere chattels, subject to the despotic will of Congress. Hence, if this doctrine prevails, there can be no expansion of this country except by conquest. All additions to it will consist of unwilling subjects, held by military power, which will be a source of loss and of weakness, and not of profit or strength.

If our contentions prevail, it will be understood that wherever the American flag waves, wherever American power or jurisdiction prevails, there goes with it the Federal Constitution, with its justice, equality, and protection of life, liberty, and property. Then many nations will be anxious and willing to unite their destiny with ours. Thus our doctrine will mean expansion like that of Texas, like that of Louisiana and of others, where brave and high-spirited people would be glad to share with us the blessings of our institutions.

Besides, I for one am unwilling to make a part and parcel of this country of any people to whom the Federal Constitution would be a curse instead of a blessing. I am unwilling to clothe the executive power of this country with all the vast powers with which it would have to be vested in order to govern our new possessions without having that power restrained by the just restrictions of the Federal Constitution. That Constitution can work no evil anywhere to those whose intentions are good and whose purposes are right.

Whether in Puerto Rico or in the Philippine Islands, with that Constitution overshadowing and protecting the people, we have assurances that there will be no abuse of power and that the inhabitants of these islands will have guaranteed to them the blessings of free and liberal institutions.

The Constitution is a hindrance only to those who seek to despoil their people and who would make slaves of them for their selfish purposes.

Mr. Chairman, no empire can endure long which is composed of subdivisions of which some are rulers and the others ruled. In such an empire there is ceaseless discontent, ceaseless turmoil, ceaseless jealousies, which in the couse of time produce civil war, insurrection, and finally disintegration. This condition has been the chief cause of the downfall of all of the great empires of the world.

If we are a wise people we will have no expansion except that which is solid and natural, that which is composed of a homogeneous people, or at least of a people who can ultimately be made so.

If we will take the broad and sensible ground that our Constitution covers all the territory belonging to us and that Congress in legislating for our territory has full and plenary powers, but that these powers must be exercised under the Constitution, then we will adopt a system which in the long run will and must produce a united, solid, and homogeneous nation without bickering, without jealousy, and without discontent.

I view with profound apprehension this new doctrine which proposes to make a vast distinction in the rights, in the privileges, and in the immunities between the citizens of the States and of the Territories.

It makes the States that constitute the Republic the head of an empire, which empire is subject entirely to the despotic will of the States. Special interests in these States will be desirous of enriching themselves at the expense of the empire, and political parties will bid for the support of these special interests in the States by offering greater opportunities to despoil the people of the Territories.

The very bill before us shows how the cigar-manufacturing interest of this country has been sufficiently potential with the Republican party to induce it to force this iniquitous bill upon Puerto Rico.

In the course of time there will happen in this country the same that happened to Rome, where the votes of citizens were obtained by allowing depredations upon the unhappy people of the outlying provinces.

When we adopt this system—this new proposed system—we are simply returning to the old colonial system of Rome, of Spain, of Portugal, and of other nations, that has been discarded and proved to be fertile in disaster only.

I am opposed to any permanent retention of the Philippine Islands. I believe that our wisest policy is to leave them as quickly as we can with honor and with safety. But if we are to remain there permanently, I believe the wisest course to pursue is to let the people of those islands understand that they are American citizens, and as such are entitled to all of our privileges, immunities, and blessings. Let them understand that they have in the Federal Constitution a safe guaranty of justice, of equality, and of protection of life, liberty, and property, which no power of Congress and no power of the Executive can alienate or destroy.

It is only by such a course and by a liberal, just, and equitable government that we can ever expect them to be reconciled or to transform them into friends instead of our enemies.

Mr. Chairman, to my mind this is one of the most dangerous bills that have ever been offered in Congress since the formation of our Government.

It will end the history of the Republic and open the history of the empire.

It dethrones the Goddess of Liberty and elevates the demon of power.

It destroys constitutional government and creates a Congressional despotism.

It is but the forerunner of countless other bills to follow in order to inaugurate the new imperialistic régime.

It is antagonistic to all the traditions of our country, to all the principles of our Government, and will, I believe, be the commencement of much disgrace and of much disaster. [Applause.]

And then, on motion of Mr. PAYNE, the committee rose; and the Speaker having resumed the chair, Mr. HULL, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 5493. An act for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1887.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. LACEY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Mahala A. Dahliman, Fifty-fifth Congress, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. PEARCE of Missouri, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of John Dinsbeer, Fifty-fifth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PARKER, for one day, on account of necessary absence from the city.

To Mr. BALL, for three days, on account of illness.

To Mr. FORDNEY, for one week, on account of important business.

To Mr. ATWATER, for three days, on account of sickness.

CONSIDERATION OF NICARAGUA CANAL BILL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the 6th day of next month be set apart for the consideration of the bill H. R. 2538.

Mr. BROSIUS. What is that bill?

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] asks unanimous consent that March 6 be set apart for the consideration of the bill H. R. 2538, being the Nicaragua Canal bill.

Mr. HOPKINS. Mr. Speaker, I do not want to object to that, but I want to make this suggestion. I am for the Nicaragua bill, but my colleagues seem to have some views on that, and owing to the absence of many members from the House I wish to suggest that it seems to me the request ought to be submitted when there is a full attendance. I make that not in the way of an objection, but an appeal to my colleague.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, unless there is an understanding between the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Illinois [Mr. CANNON], chairman of the Committee

on Appropriations, in regard to this bill, I shall have to object to it.

Mr. HEPBURN. Take your own responsibility.

Mr. RICHARDSON. We should like to hear what gentlemen are saying. It is impossible to hear over here.

The SPEAKER. Does the gentleman from New York object?

Mr. PAYNE. I do.

The SPEAKER. Objection is made.

And then, on motion of Mr. PAYNE (at 4 o'clock and 58 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation for service of the fiscal year ending June 30, 1901—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Smithsonian Institution submitting a request for transfer of an appropriation for certain expenses for the year 1899—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for construction of barracks at proving ground, Sandy Hook—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GAMBLE, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 7725) to establish mining experiment stations to aid in the development of the mineral resources of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 381); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RANSDELL, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 6767) to grant an American register to the steamer *Windward*, reported the same without amendment, accompanied by a report (No. 382); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4795) granting an increase of pension to John O'Connor, reported the same with amendment, accompanied by a report (No. 377); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the Senate (S. 1284) for the relief of W. H. L. Pepperell, of Concordia, Kans., reported the same without amendment, accompanied by a report (No. 378); which said bill and report were referred to the Private Calendar.

Mr. SOUTHARD, from the Committee on Claims, to which was referred the bill of the House (H. R. 2824) to pay certain judgments against John C. Bates and Jonathan A. Yeckley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers, reported the same without amendment, accompanied by a report (No. 379); which said bill and report were referred to the Private Calendar.

Mr. UNDERHILL, from the Committee on Claims, to which was referred the bill of the House (H. R. 6749) for the relief of Mary A. Swift, reported the same without amendment, accompanied by a report (No. 380); which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 2232) for the relief of Louis Weber, reported the same without amendment, accompanied by a report (No. 383); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3767) granting a pension to John W. Hartley—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4537) for the relief of William Wheeler Hubbell—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4538) to pay just compensation to Willian Wheeler Hubbell for his invention of high-power steel guns, and improvements in other guns made and adopted by the United States for its military service and Navy at the present time—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5340) granting an increase of pension to John Brown—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BULL: A bill (H. R. 8751) to amend section 13 of the act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, approved March 3, 1899—to the Committee on Naval Affairs.

By Mr. BOWERSOCK: A bill (H. R. 8752) to prevent the selling of or dealing in beer, wine, or any intoxicating drinks in any post exchange, or canteen, or transport, or upon any premises used for military purposes by the United States—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 8753) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad, property, and franchises, and for other purposes—to the Committee on Pacific Railroads.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8754) to define renovated butter, and to impose a tax upon and to regulate the sale of the same—to the Committee on Ways and Means.

By Mr. MUDD: A bill (H. R. 8755) for the erection of a public building at Ellicott City, Md.—to the Committee on Public Buildings and Grounds.

By Mr. BUTLER: A bill (H. R. 8756) to place the civil clerical force at headquarters of the United States Marine Corps on an equal footing with the clerical force of the Navy Department—to the Committee on Naval Affairs.

By Mr. MUDD: A bill (H. R. 8757) for the erection of a public building at Laurel, Md.—to the Committee on Public Buildings and Grounds.

By Mr. BERRY: A bill (H. R. 8758) to increase limit of cost of post-office building at Carrollton, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD: A bill (H. R. 8774) to equalize and regulate the duties of the judges of the district courts of the United States in the State of Alabama—to the Committee on the Judiciary.

By Mr. RICHARDSON: A joint resolution (H. J. Res. 182) prohibiting the transportation of wood pulp, printing paper, and so forth, from one State to another—to the Committee on the Judiciary.

By Mr. JOY: A resolution (H. Res. 155) relative to the one hundredth anniversary of the purchase of the Louisiana Territory by the United States—to the Committee on Rules.

By Mr. HEPBURN: A resolution (H. Res. 156) relating to the consideration of H. R. 2538 on March 6, 1900—to the Committee on Rules.

Also, a resolution (H. Res. 157) relating to the amendment of clause 6, Rule XXIV, of the rules of the House—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 8759) granting a pension to Adda Tubbs—to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 8760) granting a pension to Pias Hayten, of Idaho Springs, Colo.—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 8761) to remove the charge of desertion from the military record of William H. Moore, alias William Moorey—to the Committee on Military Affairs.

By Mr. GASTON: A bill (H. R. 8762) granting a pension to Joseph W. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8763) granting a pension to Abraham Levison—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: A bill (H. R. 8764) granting an increase of pension to Robert C. Rogers—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 8765) for the relief of John C. Smith—to the Committee on the Public Lands.

By Mr. KERR: A bill (H. R. 8766) granting a pension to Margaret Newcomb—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 8767) granting an increase in pension to H. P. Mann—to the Committee on Pensions.

Also, a bill (H. R. 8768) granting increase in pension to B. F. Shirt—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 8769) to carry out the findings of the Court of Claims in the case of the estate of Frances King—to the Committee on War Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 8770) granting a pension to Hannah Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8771) granting an increase of pension to Lyman A. Sayles—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 8772) to carry out the findings of the Court of Claims in the case of Arrington Purify, administrator of Thomas Purify, deceased—to the Committee on War Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8773) to carry out the findings of the Court of Claims in the case of Penelope Auzburn—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of Anna M. Ross Camp, No. 1, Sons of Veterans, Division of Pennsylvania, protesting against the passage of House bill prohibiting the use of uniforms or semblance of uniforms worn by United States soldiers or State militia—to the Committee on Military Affairs.

Also, resolutions of the Philadelphia Drug Exchange, with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. BARTHOLDT: Petition of late members of Missouri militia regiments of St. Clair, Mo., asking that the names of soldiers who served in the Missouri State Militia be placed on the pension rolls—to the Committee on Invalid Pensions.

Also, resolutions of the National Building Trades Council, protesting against the passage of a bill prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Central District Medical Society of Missouri, against the passage of Senate bill No. 34, prohibiting vivisection—to the Committee on the District of Columbia.

Also, petition of the Latin-American Club of St. Louis, Mo., in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. BARTLETT: Petition of Letter Carriers' Fraternal and Benevolent Association, relative to the retirement and pay of civil employees—to the Committee on Reform in the Civil Service.

Also, resolutions of the Medical Association of Georgia, asking that the Surgeon-General of the United States have the rank and pay of major-general—to the Committee on Military Affairs.

By Mr. BELL: Resolutions of the Board of Trade of Leadville, Colo., against leasing of public lands—to the Committee on the Public Lands.

By Mr. BOWERSOCK: Petition of the Topeka (Kans.) Academy of Medicine and Surgery, against the passage of House bill No. 1144, relating to the prevention of further cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BULL: Resolution of the New England Shoe and Leather Association, in favor of free trade with Puerto Rico—to the Committee on Ways and Means.

By Mr. BURKETT: Resolutions of Cigar Makers' Union, No. 143, of Lincoln, Nebr., against the admission free of duty or the lowering of the duty on cigars imported from Puerto Rico—to the Committee on Ways and Means.

By Mr. CAPRON: Statement of John W. Cass, in support of the bill for the erection of a public building at Woonsocket, R. I.—to the Committee on Public Buildings and Grounds.

Also, resolution of the New England Shoe and Leather Association, in favor of free trade with Puerto Rico—to the Committee on Ways on Means.

By Mr. CALDWELL: Remonstrance of J. C. Stanner & Co. and others, of Pana, Ill., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Texas: Petitions of the Chamber of Commerce, bar pilots, and citizens, all of Sabine Pass, Tex., for an appropriation to establish light and fog-signal station on Sabine Bank, Texas—to the Committee on Interstate and Foreign Commerce.

By Mr. DAHLE of Wisconsin: Petition of G. E. Swan, of Beaver Dam, Wis., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. DALZELL: Resolutions of Chemung Valley Tobacco Growers' Association, relative to Puerto Rican tariff—to the Committee on Ways and Means.

Also, petitions of members of the select and common councils of Pittsburg and Allegheny, Pa., favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill to increase the pension of Joseph L. Thomas—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: Resolutions of the Cotton Exchange of Charleston, S. C., favoring the passage of Senate bill No. 728 and House bill No. 5499, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Resolutions adopted by Cigar Makers' Local Union No. 61, of La Crosse, Wis., in relation to the reclamation and settlement of public land—to the Committee on the Public Lands.

By Mr. GROUT: Resolutions of the National Board of Trade at their thirteenth annual meeting, held in Washington, D. C., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of the State of New York, favoring the appointment of a commission for extending trade with China and Japan—to the Committee on Foreign Affairs.

Also, memorial of N. O. Murphy, governor of Arizona, with reference to arid-land reclamation and water storage—to the Committee on Irrigation of Arid Lands.

Also, resolution of the New York Mercantile Exchange, indorsing House bill No. 7667, relative to the branding of cheese—to the Committee on Interstate and Foreign Commerce.

Also, petition of Alonzo O. Bliss, Washington, D. C., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, resolutions adopted by the Grand Lodge of Vermont, Independent Order of Good Templars, E. M. Campbell, secretary, praying for more stringent legislation against the sale of liquors in the Army canteens—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of the Chamber of Commerce of the State of New York, for the better government of the Territory of Alaska—to the Committee on the Judiciary.

Also, resolutions of the National Building Trades Council of America, H. W. Steinbiss, St. Louis, Mo., secretary, protesting against the passage of bill prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of the State of New York, favoring the establishment of an uptown branch of the New York City post-office—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Mrs. Lena P. Cowdin, of New York City, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

By Mr. HALL: Petitions of George T. Henry, A. W. Niederriter, and other citizens of Clarion County, Pa., favoring the passage of a bill imposing a tax upon oleomargarine, butterine, etc.—to the Committee on Ways and Means.

By Mr. HITT: Papers to accompany House bill No. 5134, granting increase of pension to J. F. Allison—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of Local Union No. 152, United Mine Workers of America, of Ottumwa, Iowa, in relation to eight-hour law and prison labor—to the Committee on Labor.

By Mr. MERCER: Resolutions of the Nebraska Beet Sugar Association, with reference to duties on sugar—to the Committee on Ways and Means.

By Mr. PUGH: Papers to accompany House bill No. 3871, granting a pension to W. J. Worthington, of Greenup County, Ky.—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Papers relating to the claim of James M. Catlett, of Fauquier Station, Va.—to the Committee on War Claims.

By Mr. SHERMAN: Petition of C. W. Porter and other citizens of Rome, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. STARK: Petition of C. P. Metcalf and 42 others, of Carlton and vicinity, and F. H. Porter and 31 others, of Ware, all in the Fourth Congressional district of Nebraska, urging a clause in the Hawaiian constitution forbidding the manufacture and sale of

intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. WEEKS: Petition of Michigan Dairymen's Association, favoring the passage of House bill No. 3717, relative to oleomargarine—to the Committee on Agriculture.

By Mr. WEYMOUTH: Petition of George A. Howe and 41 other members of Post No. 29, Department of Massachusetts, Grand Army of the Republic, and citizens of the Fourth Congressional district of Massachusetts, in favor of House bill No. 4742, for military instruction in the public schools—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *February 21, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SEWELL, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 55) authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5493) for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1887; and it was thereupon signed by the President pro tempore.

MEMORIAL ASSOCIATION OF THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore. By authority of joint resolution relating to the Memorial Association of the District of Columbia, approved June 14, 1892, I appoint as members of said association, each for the full term of three years, Hon. John Hay and Judge Walter S. Cox; Gen. Nelson A. Miles, vice J. C. Bancroft Davis, resigned, for the unexpired term of two years.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of sundry druggists of Burlington County, N. J., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Daughters of the Society of the Revolution of New Jersey, praying for the enactment of legislation fixing the pay of letter carriers in all cities; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of New York presented a memorial of Local Union No. 246, Cigarmakers' International Union, of Salamanca, N. Y., remonstrating against the enactment of legislation admitting cigars free of duty from Puerto Rico or the Philippine Islands; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. COCKRELL presented a memorial of the Commission Merchants and Game Dealers' Association of Missouri, remonstrating against the enactment of legislation to regulate the shipment of wild game from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Industrial Council of Kansas City, Mo., praying that all the remaining public lands be held for the benefit of the whole people, and that no grants of title to any of the lands be made to any but actual settlers and home builders on the lands; which was referred to the Committee on Public Lands.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., and a petition of the Manufacturers' Association of St. Louis, Mo., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which were referred to the Committee on Commerce.

Mr. DANIEL presented the memorials of John B. Bowers, of Catletts, Va.; of Craig & Doyle, of Craigville, Va., and of J. T. Oliver, of Ivy Depot, Va., remonstrating against the enactment of legislation to provide for the regulation of shipments of game from one State to another; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Business Men's Association of Manchester, Va., praying for the enactment of legislation to promote the commerce and increase the foreign trade of the United States, etc.; which was referred to the Committee on Commerce.

Mr. HOAR. I present resolutions of the legislature of the Commonwealth of Massachusetts, relative to an appropriation by Congress for the improvement of Boston Harbor. I ask that the resolutions may be read in full and referred to the Committee on Commerce.

There being no objection, the resolutions were read, and referred to the Committee on Commerce, as follows:

COMMONWEALTH OF MASSACHUSETTS,
In the year 1900.

Resolutions relative to an appropriation by the Congress of the United States for the improvement of Boston Harbor.

Whereas large sums of money have been expended by the Commonwealth in the development of a system of docks in Boston Harbor; and

Whereas to obtain the full benefit of the said system it is necessary that the channel of Boston Harbor shall be widened and deepened; and

Whereas this improvement would be of advantage not only to Boston and Massachusetts, but also to all New England: Be it

Resolved, That the Congress of the United States is hereby requested to appropriate a sum sufficient for this purpose; and that the Senators and Representatives in Congress from this State are requested to use all reasonable endeavors toward this end.

Resolved, That properly attested copies of these resolutions be sent to the presiding officers of both branches of Congress and to the Senators and Representatives in Congress from this Commonwealth.

HOUSE OF REPRESENTATIVES, *February 6, 1900.*

Adopted: Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

SENATE, *February 9, 1900.*

Adopted in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy.
Attest:

JAMES W. KIMBALL,
Clerk of House of Representatives.

Mr. HOAR presented the petition of William S. Flint and 99 other druggists of Worcester, Mass., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. NELSON presented a petition of the Ramsey County Medical Society of Minnesota, praying for the establishment of homes or colonies where lepers can be segregated; which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Stone Masons' Union No. 4, of Duluth, Minn., remonstrating against the cession of public lands to the States and Territories; which was referred to the Committee on Public Lands.

Mr. GALLINGER. I present a protest from about 30 farmers in Cheshire County, N. H., most of whom, I think, if not all, are producers of tobacco. Their protest is against the free importation of tobacco and agricultural products from any part of the world. I ask that the memorial go to the Committee on Finance. The Puerto Rican bill having been reported, the memorial would ordinarily lie on the table, but I should like to have it go to the Committee on Finance.

The PRESIDENT pro tempore. It will be so referred.

Mr. PERKINS presented a petition of the Board of Trade of Los Angeles, Cal., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Sacramento County Humane Society of California, praying for the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of Fresno, Cal., and a petition of the Chamber of Commerce of San Diego, Cal., praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation be made for the improvement of the inner harbor at San Pedro, in that State; which was referred to the Committee on Commerce.

He also presented a memorial of the Iroquois Club of San Francisco, Cal., remonstrating against the ratification of the proposed Hay-Pauncefote treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition signed by the senators and assemblymen of the California State legislature, praying that an appropriation be made to continue the Mission Tule River Indian Agency at San Jacinto, in that State; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Trades Union of Vallejo, Cal., praying for the enactment of legislation to enable the workingmen employed in the navy-yards, naval stations, etc., to secure an annual leave of absence with pay; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Los Angeles, Cal., praying for the enactment of legislation to increase the merchant marine of the country; which was referred to the Committee on Commerce.

He also presented a memorial of Local Union No. 36, Carpenters and Joiners, of Oakland, Cal., remonstrating against the cession of the public lands to any other than actual settlers and home builders; which was referred to the Committee on Public Lands.

He also presented a petition of the Board of Trade of San Francisco, Cal., praying for the passage of the so-called ship-subsidy bill; which was referred to the Committee on Commerce.